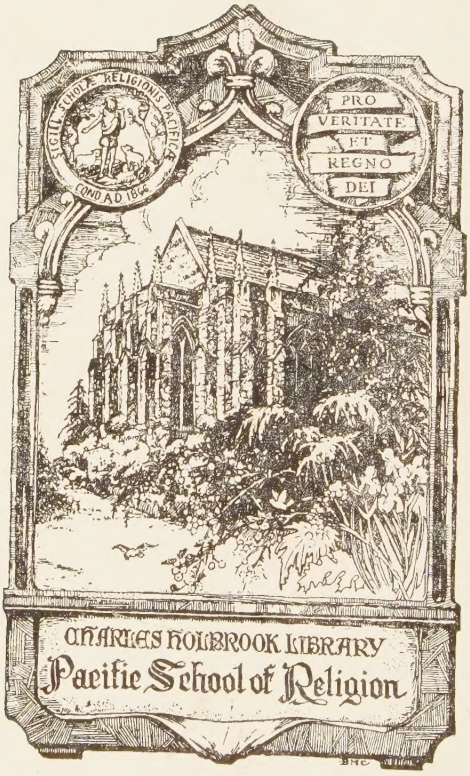
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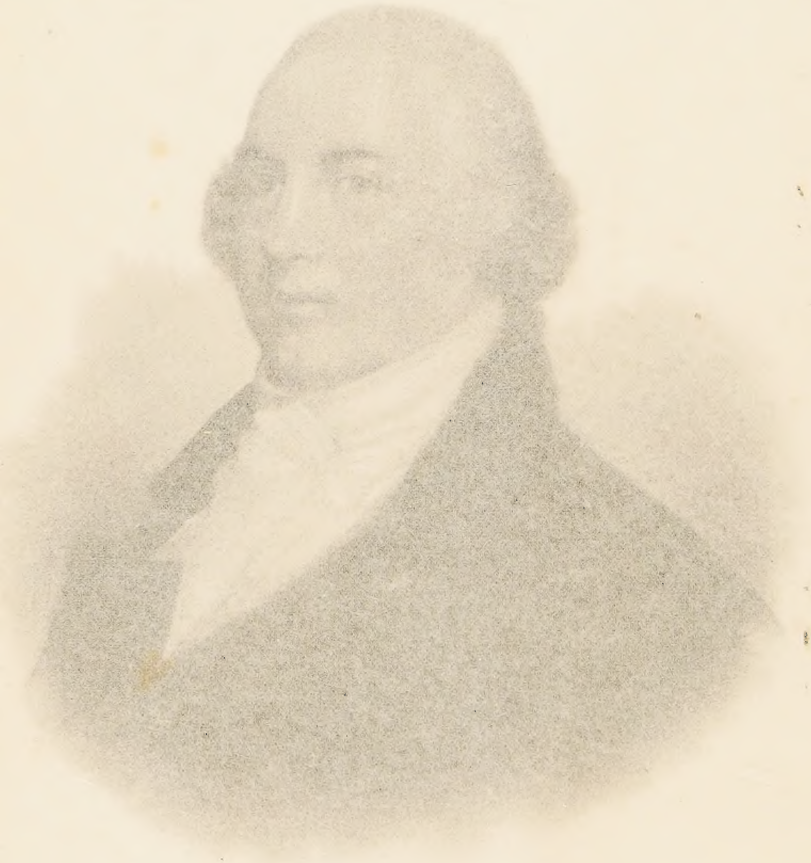

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AMERICAN JEWISH HISTORICAL SOCIETY.

ORGANIZED AT NEW YORK, JUNE 7, 1892.

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LIST OF OFFICERS.

President:

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Vice-Presidents:

DR. CHARLES GROSS,
HON. SIMON W. ROSENDALE,
PAUL LEICESTER FORD.

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Recording Secretary:

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JOHN SAMUEL.

All communications should be addressed to the Corresponding Secretary, DR. CYRUS ADLER, 943 K St. N. W., Washington City, U. S. A.

OBJECTS.

The object of this Society is to collect and publish material bearing upon the history of our country. It is known that Jews in Spain and Portugal participated in some degree in the voyages which led to the discovery of America, and that there were Jews from Holland, Great Britain, Jamaica and other countries among the earliest settlers of several of the colonies. There were also a number of Jews in the Continental army, and others contributed liberally to defray the expenses of the Revolutionary war. Since the foundation of our government a number of Jews have held important public positions. The genealogy of these men and the record of their achievements will, when gathered together, be of value and interest to the historian and perchance contribute materially to the history of our country.

The objects for which this Society was organized are not sectarian but American. The co-operation of students of history and of all persons who have an interest in the work of this Society is cordially invited.

FOURTH ANNUAL MEETING.

The fourth annual meeting of the American Jewish Historical Society was held at Philadelphia, on Thursday and Friday, January 30 and 31, 1896, in Parlor B of the Lafayette Hotel, about seventy persons being in attendance.

The Corresponding Secretary reported that the Society had published two volumes during the past year. The membership list had increased, the number having grown to 165. A tribute was paid to the memory of Mr. Lucien Moss, whose death occurred in April, 1895.

The Treasurer, Prof. Richard Gottheil, presented a report showing the Society to be in a flourishing condition. The balance on hand at the close of the last year was $902.57; the income from the dues of members and the sale of publications, $853.59, which, with the gift of $500.00 from Mr. Lazarus Straus, made a total of $2256.16. The expenses for the year were $439.83, leaving a balance of $1816.33. It was recommended that a portion of this fund be invested as a permanent fund.

The officers named on page ii were unanimously elected.

Three sessions were held. The President delivered his annual address at the meeting held on the evening of January 30.

The following papers were presented:

Dr. Cyrus Adler, Smithsonian Institution, Washington: "Notes on the Inquisition in Mexico and the Jews."

Rev. Henry Cohen, Galveston: "Henry Castro, Pioneer and Colonist."

Mr. David Fergusson, Seattle, Washington: "Trial of Gabriel de Grenada by the Inquisition in Mexico." "Doc-

uments relating to the Trial of Tomas Tremiño de Sombremonte."

Dr. Herbert Friedenwald, Philadelphia, Pa.: "Jews in the British West Indies before 1700."

Dr. J. H. Hollander, Johns Hopkins University, Baltimore, Md.: "The Naturalization of Jews in the Colonies under the act of 1740." "An Episode in the History of the Jews in Surinam." "Some unpublished material relating to the civil disabilities of the Jews in Maryland."

Professor Morris Jastrow, Jr., University of Pennsylvania, Philadelphia, Pa.: "Documents relating to the career of Colonel Isaac Franks."

Dr. M. Kayserling, Buda-Pest: "Letter from a German Jew to the President of the Free States of North America." "Aboab and Laguna."

Max J. Kohler, Esq., New York: "The Jews and the American Anti-Slavery Movement." "Jewish Activity in our Colonial Commerce."

Mr. George A. Kohut, Berlin: Historical Notes.—I. "Isaac Aboab and the Sufferings of the Jews in the Siege of Pernambuco." II. "Labrador owned by Jews in the XVII and XVIII Centuries." III. "A Jewish Jargon in Surinam." "Judah Monis, M. A., the first Instructor in Hebrew at Harvard University."

N. Taylor Phillips, Esq., New York: "Historical Notes."

Rev. Dr. David Phillipson, Cincinnati: "A Hebrew inscription in the Cemetery at Plymouth, Mass."

Mr. Abraham S. Wolf Rosenbach, Philadelphia, Pa.: "Obituary notices that have appeared in the Pennsylvania Gazette from 1728 to 1791." "The first settlement of the Jews in Pennsylvania, especially in Philadelphia, 1655–1703." "Notes on David S. Franks."

John Samuel, Esq., Philadelphia, Pa.: "Some cases in Pennsylvania wherein rights claimed by Jews are affected."

On motion of Dr. J. H. Hollander, it was resolved to hold the next annual meeting in the city of Baltimore.

Mr. Barnet Phillips, chairman of the Committee on a Seal for the Society, presented his report embodying a design for the Seal. The question of its adoption was referred to the Executive Council for action.

The President announced the appointment of the following Committee on Publications: Dr. Cyrus Adler, Mr. Mendes Cohen, Prof. Morris Jastrow, Jr., Dr. Charles Gross, and Dr. Herbert Friedenwald.

During the meeting there was a small exhibition of manuscripts, pamphlets, and prints belonging to the Society and to the Leeser Library of Philadelphia.

CONTENTS.

PAGE

Frontispiece: *Portrait of Isaac Franks.*

Address of the President. *Hon. Oscar S. Straus,* 1

Documents relating to the Career of Colonel Isaac Franks. *Professor Morris Jastrow, Jr.,* 7

Some Cases in Pennsylvania wherein Rights claimed by Jews are affected. *John Samuel,* 35

Henry Castro, Pioneer and Colonist. *Rev. Henry Cohen,* . . . 39

Material for the History of the Jews in the British West Indies. *Herbert Friedenwald, Ph.D.,* 45

Naturalization of Jews in the American Colonies under the Act of 1740. *Dr. J. H. Hollander,* 103

Who was the First Rabbi of Surinam? *George Alexander Kohut,* 119

Isaac Aboab, the First Jewish Author in America. *Dr. M. Kayserling,* 125

The Jews and the American Anti-Slavery Movement. *Max J. Kohler,* 137

Documents relative to Major David S. Franks while Aid-de-camp to General Arnold. *Abraham S. Wolf Rosenbach,* . . 157

Notes on the First Settlement of Jews in Pennsylvania, 1655–1703. *Abraham S. Wolf Rosenbach,* 191

Notes. *Herbert Friedenwald, J. H. Hollander, A. S. Wolf Rosenbach,* 199

Necrology 205

Gifts and Exchanges 209

Index 215

Constitution 227

List of Members 228

ADDRESS OF THE PRESIDENT,

Hon. Oscar S. Straus, *New York.*

Members and Friends of the American Jewish Historical Society:

For the fourth time it is my privilege to preside over your deliberations, and to welcome you to the annual meeting of our Society. Since our first scientific meeting, held here in the city of Philadelphia on December 15, 1892, we have held meetings in the cities of New York and Washington, and again return here with much pleasure, in recognition of the cordial interest you have shown in our work. Year by year our proceedings have grown in historical value, and our researches have broadened in scope and become richer in material. No better proof of the increasing interest shown by the students of history in our work need be cited, than the fact that our publication committee has been unable to publish all of the many valuable papers that have been presented. Such papers as have not been published are placed on file for future use. The past year being our third, two volumes have been published, known as *Publications* Nos. 3 and 4. Together they contain 409 pages, and I doubt if any historical association in the country has published during the year more original material than is contained in these two numbers.

The Council, in deference to the wishes and convenience of a number of our active members, decided to hold the annual meeting this year in the month of January, instead of as heretofore in the month of December. This change, it is hoped, will be found generally acceptable. The reason therefor was to accommodate many of our members who

belong to other societies which hold their meetings in the former month.

I had prepared for presentation at this meeting, a survey of the development of religious liberty in the United States from the foundation of the colonies until the last vestige of discrimination founded upon religious differences was swept away by statute in the State of New Hampshire in 1877. I found, however, that the subject, though of historical interest, did not come within the scope of our Society, and therefore I did not deem it wise to present the paper to you, or to encumber our publication with material that did not strictly belong within the lines of our investigations. When we organized our Society, I did not believe material would be forthcoming which would yield annually a volume for publication, especially as our field was a limited one. In this respect, I confess, I find myself in error. On the contrary, as we have proceeded, our investigations have extended and broadened the area of what at first appeared but a limited scope. No better illustration of this can be cited than the manuscript that has recently come into the possession of our corresponding secretary, Dr. Cyrus Adler, which is presented in *Publication* No. 4, under the title, "Trial of Jorge de Almeida by the Inquisition in Mexico." The publication of this paper has led to correspondence which has brought to our attention a number of other trials of a similar kind, which will give us a valuable clue to historical persons whose misfortunes open up an entirely unexplored source of historical material on this continent. This trial, and the others referred to, give a more graphic and exact picture of the methods and proceedings of the Inquisition than is to be found in any published work. This material is, in the true sense, original and of the nature most needed by the historian. As we proceed in our investigations, it becomes more and more apparent that we must, as soon as our funds will permit it, delegate one or more of our members to make investigations in Mexico, Central and South America, and in the

adjacent islands, where the refugees from Spain and Portugal, in order to escape the terrors of the Inquisition, first settled. Dr. Kayserling has rightly said, "the Inquisition is the last chapter of the confessors of Judaism on the Pyrenean peninsula, and it is the first chapter on the continent of the Western hemisphere." This first chapter can never be satisfactorily studied unless investigations are made in the localities where it had its rise.

So long as Church and State were intolerant, and so long as the spoken as well as the written word was guarded by the Inquisitor, history could not be written. The spirit of history is truth, and no history has ever been written under the glare of the fires kindled by the *auto-de-fe*. When we revert to the period of the Inquisition we must excavate below the surface and the authority of the censor in order to discover the truth. Our object must always be, not as some erroneously suppose, to write history, but to search for facts, for the material upon which history is based. We have no thesis to maintain, no propositions to prove, no arguments to advance, but simply to present the facts. For instance, it has been believed that Simon Bolivar, the liberator of South America, was of Jewish descent. This fact, if true, would in itself throw light upon a proper estimate of his character, just as the fact that in 1809 he spent some time in the United States, where he had the opportunity of observing the workings of free institutions, gives us a clue to his heroic struggle for constitutional liberty. The descendants of a number of the refugees who settled in Mexico, Central and South America, on being suspected of "Judaizing" and for observing "the dead law of Moses," in order to escape the terrors of the Inquisition, returned to the Old World, where at that time a more tolerant spirit began to prevail. The influence of this second generation of refugees, many of them born on the American continent, upon the constitutional development of Italy, France, and Holland, opens up a new and most interesting historical vein. The number thus return-

ing from America to the Old World was not insignificant, perhaps several thousand. That such men, whose family traditions were stained with the blood of persecutors, and who themselves were hunted from continent to continent, would make every sacrifice to further the cause of liberty, is a natural and logical conclusion. They had been taught by dire experience to wrap about them more closely their crypto-disguises, so that it sometimes happened that the third generation was completely disassociated from family traditions. This accounts also for the fact that tradition, sometimes with, and sometimes without foundation, ascribed Jewish descent to many persons of distinction who achieved fame as statesmen, generals and philosophers.

In the past two months we have heard much of the Monroe doctrine. It was this doctrine which set the stamp of perpetual freedom upon the institutions of this hemisphere. It was a declaration of war against a condition of affairs which, if allowed to continue unchecked, would have kindled anew the fires of the Inquisition on this continent. "The Holy Alliance" was an effort on the part of the most autocratic sovereign of the world, the Czar of Russia, in conjunction with the Emperor of Austria and the King of Prussia, to bring back the reign of mediæval despotism and to crush underneath their united powers every vestige of constitutional liberty. Had such a formidable power been permitted to secure a foothold on our hemisphere, it is not improbable that a struggle of life and death would have had to be waged in order to preserve the free institutions of America. It was for this reason among others, doubtless, that when President Monroe submitted the papers which called forth his message to the author of the Declaration of Independence for his advice, Jefferson answered, "The question presented by the letters you had sent me is the most momentous which has ever been offered to my contemplation since that of independence."

There has never been any effort made by the Society to increase its membership with the view of enlarging our fund. Our aim has been from the beginning only to associate such persons with us who had especial interest in history; but now, with this new field opening to us, it is very desirable to increase our permanent fund, in order that we may make the investigations which will enable us to bring together more closely the last and the first chapters referred to by Dr. Kayserling.

DOCUMENTS RELATING TO THE CAREER OF COLONEL ISAAC FRANKS.

By Professor Morris Jastrow, Jr., *University of Pennsylvania, Philadelphia.*

Some time ago, the Council of this Society learned through its president, the Hon. Oscar S. Straus, of the existence of papers relating to the career of Isaac Franks. These papers were at the time in the possession of George W. Huffnagle, of New Hope, Bucks Co., Pa., a grandson of Isaac Franks.* By resolution of the Council, the writer was deputed to communicate with Mr. Huffnagle, with a view of examining and, if possible, of obtaining copies of these papers for the purpose of issuing them in the *Publications* of our Society.

Mr. Huffnagle, in response to a letter, forwarded copies of some of the papers in his possession, and declared his willingness to lay the remainder before me at some future time. Illness prevented Mr. Huffnagle from making an appointment for a visit which I was anxious to pay him, and last winter Mr. Huffnagle died. His son, the Rev. John C. Huffnagle, residing in Imlaystown, N. J., most generously offered to place at our disposal all documents in his possession that might be of any use, and as the result of a visit paid to Mr. Huffnagle, I am privileged to lay before you a number of documents—in all 33—which enable us to follow, in somewhat greater detail than was heretofore possible, the career of one who served the cause of American independence most honorably and for this reason deserves to be remembered. The thanks of our Society are eminently due to the Rev. Mr. Huffnagle, for his kindness in permitting me to take

* The daughter of Colonel Isaac Franks, Miss Sarah Eliza Franks, was married to John Huffnagle, of Lancaster, on Sept. 9, 1806.

whatever papers I desired with me and to have copies of them made.

The documents may be divided into seven classes:

(1) Illustrating the Revolutionary career of Colonel Franks.

(2) Referring to a claim made by him against the United States in 1812, for an error in his favor, in his accounts as Forage Master of the garrison of West Point,—a position held by him from the 1st of January, 1778, to the 5th of September, 1781.

(3) Applications for appointment to office under the United States Government, 1812–1813.

(4) Commissions from Thomas Mifflin, Governor of Pennsylvania, (*a*) as a Notary and Tabellion Public, 1789; (*b*) as Lieutenant-Colonel of the Second Regiment of Philadelphia, 1794; (*c*) as Justice of the Peace in the county of Philadelphia, 1795.

(5) Papers relating to the renting of Colonel Franks' house in Germantown to President Washington, 1793.

(6) Applications for a pension from the United States Government, 1818–1819, and certificate of pension.

(7) Miscellaneous documents, bearing on his relations to his children, biographical notices and the like.

The documents in the first six classes formed part of Colonel Franks' own papers; those in the seventh class emanate only in part from him, a number having been collected by his grandson, George W. Huffnagle. Among the latter is a biographical notice, copied from an unknown source, which gives an epitome of his career:

"Isaac Franks, son of Moses and Sarah Franks, was born at the city of New York on the 27th of May, 1759. He embarked in the Revolutionary contest of 1776 between the colonies and the kingdom of Great Britain, and served under Washington with the reputation of a gallant, brave and useful officer during the whole of the American Revolution, during which he received several wounds. After the

peace of 1783 he filled various civil commissions, and was the intimate friend and companion of Washington, who, with his family, spent the summers of 1793 and 1794 with Colonel Franks* at his residence . . . in Germantown. Colonel Franks died on the 4th of March, 1822, of a pulmonary complaint, being at the time Prothonotary of the Supreme Court of Philadelphia." [*sic!*]

In connection with an application for a government pension, made in 1818 (Appendix No. 9), which was rendered necessary by his straitened circumstances, Colonel Franks drew up a statement of his services during the war of Independence. A draft of this statement and several copies of the statement itself, formally drawn up and cerified to, are among the documents that have come into our possession. From this statement we learn that he entered upon his military career in May or June, 1776, at the early age, therefore, of seventeen. He joined Colonel Lesher's regiment as a volunteer in the city of New York, from which we may conclude that the city of his birth continued to be his residence and that of his parents, until this period. He took part in the battle of Long Island, being, as he says, "in the heat of the battle," and under the immediate command of General Washington. He equipped himself at his own expense, and tells us "that in July of that year, in parade order, attended the first communication of the Declaration of Independence, which was read to the troops, when we all, as with one voice, declared that we would support and defend the same with our lives and our fortunes."

In the year 1777, he joined the Quartermaster's Department in the Continental village, a few miles above Peekskill in the State of New York, as an Assistant Forage Master. In 1778 he became Forage Master, and was stationed at West Point till 1781, when he entered as an Ensign into the service of the 7th Massachusetts Regiment,

*Inaccurate. See below. Washington rented the house from Franks in the winter of 1793-94.

then stationed in the garrison of West Point. His certificate of appointment is preserved (Appendix No. 1). It is dated Boston, February 22, 1781, "in the fifth year of the independence of the United States of America," and is signed by John Hancock and by the latter's secretary, John Avery. The formal commission itself was not received till March 12, 1782, but his appointment and rank began on January 1, 1781, and continued till June, 1782, when on account of ill health he was forced to resign. He took this step with the approbation of the Commander-in-chief.

From another statement, signed by Isaac Franks, we obtain some details of his career in Colonel Lesher's regiment. The regiment was annexed to the army of the United States under the command of General Washington. After the battle of Long Island, Franks retreated with the army to New York, and was on the detached guard at the Fly Market on the East river, at the time that the English took possession of the city, September 15, 1776. Franks was taken prisoner, but after nearly three months of confinement succeeded in making his escape. "In a small, leaky skift," he tells us, "with one single paddle," he crossed to the Jersey shore.

After receiving his "furlough," as he calls it, in June, 1782, from Major-General Alexander McDougal, the commander of West Point and its dependencies, he visited his friends, and was in the city of Philadelphia when the news of peace arrived.*

On the 9th of July, 1782, he was married in Philadelphia to Mary, the daughter of Captain Samuel Davison. Four children were born to the couple. Two died at an early age. One, a son, Samuel D. Franks, became Judge of the Court of Quarter Sessions and Common Pleas for the counties of

*A memorandum on the back of a copy of Colonel Franks' commission as Ensign, and also on a draft of one of his statements, reads, "The Preliminaries of Peace were signed at Parris [*sic*] on the 30th of November, 1782, and the ratification of the Definitive Treaty were [*sic*] exchanged in May, 1784."

Schuylkill, Lebanon and Dauphin, and his daughter, Sara Eliza, married Peter Huffnagle of Philadelphia.

After his marriage, Mr. Franks took up his permanent residence in Germantown, where he purchased a dwelling house (now No. 5442 Main street) which is still standing (Appendix No. 14). For a number of years we lose sight of him. In the beginning of 1789 he was appointed by Governor Mifflin of Pennsylvania "a Notary and Tabellion Public" for the commonwealth of Pennsylvania (Appendix No. 3). It was presumably from the fees attaching to this office, that he derived an income which supported him and his family. At all events for about twenty-five years after the close of his military career, he appears to have been in a prosperous condition. In 1784 we find him associated with Benjamin Rush in the purchase of "19 tracts" of land in Westmoreland Co. (now Indiana), and he continued to hold these lands as late as 1804.

In 1794 he was honored by Governor Mifflin with an appointment as Lieutenant-Colonel of the Second Regiment of Philadelphia County Brigade of the Militia of the Commonwealth of Pennsylvania. It is through this appointment that he became generally known as Colonel Franks (Appendix No. 4).

In 1795 he received another appointment at the hands of the same Governor Mifflin, this time to the office of "Justice of the Peace in the District consisting of the Townships of Germantown and Roxborough in the county of Philadelphia" (Appendix No. 5). But previous to this, he must have engaged in some undertaking that led him to Bethlehem, for in the winter of 1793 we find him setting out from that place for a short visit to his Germantown residence. The occasion of the visit was a note received from President Washington, who desired to rent the house during the prevalence of yellow fever in Philadelphia when, as is well known, the seat of the United States Government was removed to Germantown. On November 6, Mr. Franks

sets out with his wife from Bethlehem, in order to put his house in order. The negotiations are completed and, in December of the same year, Franks pays another visit to Germantown, in order to ascertain how long the President intends to occupy the house. Among our documents are two copies of the bill Mr. Franks presented to Washington for two months' rental and sundry expenses (Appendix No. 13). The owner is careful not to omit any item, and some of the charges are exceedingly curious. Whatever may have led Franks to Bethlehem—perhaps the prevalence of the plague in Philadelphia—he returned to Germantown and appears to have stayed there until early in this century. Then for some reasons unknown to us, he removed to Ephrata, Lancaster County.

In October, 1802, we still find him at Germantown. At that period Gilbert Stuart finished an oil painting of Mr. Franks, which was presented to the latter by the artist.* There are bills paid to Mr. J. Rowan of Philadelphia for tuition for Mr. Franks' daughter, dated December 15, 1802, and March 15, 1803. Between the latter date and 1806 the removal to Ephrata takes place. He evidently regards Ephrata as his permanent residence, for in a letter, dated May 8, 1806, addressed to his daughter, who was attending a school kept by Mr. and Mrs. Rowan in Philadelphia, he speaks of the time when his daughter will come to reside with him. In the fall of that year, his daughter was married at Lancaster. We find Franks at Ephrata as late as 1812. Things have

*The painting is referred to by Franks in a memorandum prepared by him for his children. It was left conjointly to Samuel and Sara, each one by turns to have the right of possessing it for one year. The picture was sold by G. W. Huffnagle to the late Henry C. Gibson of Philadelphia. By the will of the latter, it has come into the possession of the Philadelphia Academy of Fine Arts. On the back there was pasted a slip reading, "Portrait of Mr. Isaac Franks. Presented to friend Isaac Franks as a token of regard by Gilbert Stuart. Germantown, Oct. 1st, 1802." This slip has been framed by the Academy and attached to the portrait.

not gone well with him. He appears to be in straitened circumstances and takes various steps to secure an income. In December, 1811, he puts in a claim against the United States for an "erroneous credit" which he inadvertently gave the United States while serving as Forage Master at West Point. His claim is for $463.12, which with interest up to the date of his claim brings the sum up to almost $1,400. He bases his claim upon the fact that he gave receipts for his pay as Forage Master during his term of service (13 months and 2 days) without first liquidating the same by the scale of depreciation, established by Congress on January 2, 1780, and by which all the payments to the army from September 1, 1777, to March 18, 1780, were liquidated and settled (see Appendix No. 6).

He makes strenuous efforts to secure this claim. First, he applies to the Treasurer of the State of Massachusetts, Jonathan L. Austin, who tells him that if his commission as Ensign in the Seventh Regiment was dated after December, 1780, his pay must come from the United States. On December 11, 1811, he sends a formal statement of his claim to Jonathan Burrell, Commissioner for the Quartermaster's Department at New York. In January, 1813, on the occasion of a visit to Philadelphia, he writes to Charles Jared Ingersoll, representative in Congress, in support of his claim (Appendix No. 7), and refers to the fact that "a memorial and vouchers" in his behalf "had been put into the hands of Mr. Hyneman, then a representative in Congress." Owing to Mr. Hyneman's resignation of his seat, the papers were not presented, but placed in the hands of Jonathan Roberts, a representative in Congress from Pennsylvania. On March 4, 1812, he writes to the U. S. Comptroller, Richard Rush, at Washington (Appendix No. 8), who in reply (March 30) sends a copy of Isaac Franks' account to show that the "erroneous item was included and properly settled in that account." Richard Rush in a supplementary note expresses his regard for Mr. Franks and regrets that he

cannot serve him. About this time, feeling that the hopes of securing his claim are slight (although he sends a reply to Rush's note), Franks makes application for some appointment in the Quartermaster's Department. He writes to Colonel Clement Biddle, of Philadelphia, under date of March 17, 1812, asking for a certificate. The request is granted, but Franks is not successful in his endeavors. A year later—May 10, 1813—he applies to Richard Rush for a position in the Comptroller's Office. In his application he refers to his "sincere friend, the celebrated Dr. Rush," and offers his condolence to the son upon the death of his father. In a postscript, he also takes the opportunity of inquiring whether anything has occurred favorable to his "equitable claim against the Treasury." In this quest, too, he is unsuccessful, and when next we hear of him, in 1818, he has moved back to Philadelphia and is making an effort, by "reason of his reduced circumstances," to secure a pension from the United States government. His papers are drawn up and certified to on April 8, 1818, by Joseph B. McKean, Judge of the District Court for the city of Philadelphia (Appendix Nos. 9 and 10). Mr. Jonathan Roberts, at the time a member of the Senate for Pennsylvania, is appealed to on December 15th of the same year to take (Appendix Nos. 11 and 12) the claim for a pension "under his patronage." The interval of eight months between the drawing up of the papers and their being placed in the hands of Mr. Roberts is due to the fact that Congress adjourned in April and Mr. Franks did not wish to trouble Mr. Roberts "late in the session." Mr. Roberts takes the matter up. A note from the Pension Office dated June 22, 1819, and addressed to Mr. Roberts, states that the application will be granted "when proof of his (Mr. Franks') being in reduced circumstances shall be attached to his declaration."

On the 14th of December, 1819, the pension certificate was forwarded to Mr. Franks (Appendix No. 2). The pension was fixed at $20 per month, to commence from

the date that his papers were drawn up, April 8, 1818. Isaac Franks enjoyed his pension for only four years. In 1819 (Feb. 18)* he was appointed Prothonotary of the Supreme Court of Pennsylvania, and it is a comfort to know that his closing years were thus rendered free from care. He died on Monday, March 4, 1822, at the age of sixty-three, and was buried from his residence, No. 55 Cherry street, on March 6.†

Appendix.

A selection from the documents illustrating the career of Isaac Franks is herewith published.‡ The publication includes fourteen documents as follows:

I. Five certificates: (1) as Ensign in the Seventh Regiment of Massachusetts; (2) pension certificate; (3) as notary and tabellion public; (4) as lieutenant-colonel; (5) as justice of the peace.

II. Franks' claim against the United States: (6) memorandum and copy of account; (7) letter to Charles Jared Ingersoll.

III. Application for office: (8) letter to Richard Rush.

IV. Application for pension: (9) statement of military career; (10) statement made before Joseph B. McKean; (11) letter to Hon. Jonathan Roberts, December 15, 1818; (12) letter to the same, February 22, 1819.

V. Germantown residence: (13) copy of bill presented to President Washington; (14) statement regarding the history of the property.

The remainder of the documents have been copied and deposited in the office of the Secretary of the American Jewish Historical Society at Washington.

* Martin, *Bench and Bar of Philadelphia*, p. 26.

† See Poulson's *Daily American Advertiser*, for March 5, 1822. Martin gives the date of Franks' death erroneously as March 3.

‡ The spelling of the originals is retained, only obvious slips being corrected.

I.

(1)

Certificate of Colonel Isaac Franks' Commission as Ensign in the 7th Regiment of the Commonwealth of Massachusetts, 1781.

Commonwealth of Massachusetts,

To Isaac Franks—Gentleman Greeting,—Reposing especial Trust and Confidence in your ability Courage and good Conduct, I Do by these presents Constitute and appoint you the said Isaac Franks to be an Ensign in the seventh Regiment of Foot—one of the Battalions raised by this Commonwealth to serve in the Continental Army, where John Brooks Esqr. is Lieutenant Colonel Commandant,—You are therefore carefully and diligently to discharge the Duty of an Ensign in said Regiment in all things appertaining thereto, observing such Orders and Instructions as you shall receive from the Commandant of said Regiment or any other Your Superior Officers, for which this shall be your sufficient Warrant till you shall receive a Commission in manner and form pointed out by the Resolves of Congress of March 8th and June 28th, 1779.—Dated at Boston this twenty-second of February one thousand seven hundred and eighty one, in the fifth year of the Independence of the United States of America.

By His Excellency's command,

John Hancock.

John Avery, *Secy.*

(2)

Pension Certificate.

War Department.

Revolutionary Claim.

I certify that in conformity with the Law of the United States, of the 18th March 1818, Isaac Franks, Late an

Ensign in the Army of the Revolution, is inscribed on the Pension List Roll of the Pennsylvania Agency, at the rate of twenty dollars per month, to commence on the Eighth day of April one thousand eight hundred and eighteen.

Given at the War office of the United States, this fourteenth day of December one thousand eight hundred and nineteen.

C. VANDERVENTER, *Acting Secretary of War.*

On the back of this certificate:

[Seal of the United States War Office.] Payable semi-annually. The first payment on this Certificate will be made on the 4th of March next, in Philadelphia, at the Bank of the United States.

(3)

COMMISSION AS NOTARY AND TABELLION PUBLIC.

[Seal of the State of Pennsylvania.] THOMAS MIFFLIN.

In the Name and by the Authority of the Freemen of the Commonwealth of Pennsylvania.

The Supreme Executive Council, of the said Commonwealth.

To Isaac Franks, Esquire, of the City of Philadelphia—

[Coat of Arms of Pennsylvania.] We, reposing especial Trust and Confidence in your Prudence, Integrity and Abilities, have appointed you the said Isaac Franks a Notary and Tabellion public in and for the Commonwealth of Pennsylvania. You are therefore by these presents commissioned to be a Notary and Tabellion Public in and for the said Commonwealth—to have and hold the said office of Notary and Tabellion Public—With all the Rights, powers, and emoluments to said office belonging, or by Law in any Wise appertaining, until this Commission shall be legally revoked.

Given in Council, under the Hand of His Excellency Thomas Mifflin, Esquire—President, and the Seal of the State at Philadelphia, this seventh Day of February in the year of our Lord one thousand seven hundred and eighty-nine. Attest: CHA^{S}. BIDDLE, *Sec^{y}.*

[Enrollment Office of Pennsylvania Seal.] Inrolled in the Rolls office of the State of Pennsylvania In Commission Book No. 1, page 224, &c. Witness my hand and Seal of office the 10th February, 1789.

MATH^{W}. IRWIN, *M. R.*

(4)

COMMISSION AS LIEUTENANT COLONEL.

Pennsylvania.

In the Name, and by the Authority of the Commonwealth of Pennsylvania,

Thomas Mifflin,

Governor of the said Commonwealth,

To Isaac Franks of the County of Philadelphia Greeting:

[Coat of Arms of Pennsylvania.] Tho. Mifflin. Know That you, the said Isaac Franks (being duly elected and returned) are hereby Commissioned Lieutenant Colonel of the Second Regiment of Philadelphia County Brigade of the Militia of the Commonwealth of Pennsylvania. To have and to hold this Commission exercising all the powers, and discharging all the duties thereto lawfully belonging and attached, for the term of seven years.

In Testimony whereof, I have set my Hand and caused the great Seal of the said State to be affixed to these Presents, at Philadelphia the Fifteenth Day of July in the Year of our Lord One Thousand Seven Hundred and Ninety-four and of the Commonwealth the Nineteenth.

By the Governor. A. I. DALLAS, *Sec.*

(5)

COMMISSION AS JUSTICE OF THE PEACE.

Pennsylvania.

In the Name, and by the Authority of the Commonwealth of Pennsylvania,

Thomas Mifflin,

Governor of the said Commonwealth.

To Isaac Franks of the County of Philadelphia Esq. Sends Greeting:

[Coat of Arms of Pennsylvania.] Tho. Mifflin.

Know You, That reposing especial Trust and Confidence in your Integrity, Judgment, and Abilities, I the said Thomas Mifflin, have appointed and by these Presents, do appoint and commission you, the said Isaac Franks to be a Justice of the Peace, in the District consisting of the Townships of Germantown and Roxborough in the county of Philadelphia Hereby giving and granting unto you, full Right and Title, to have and execute all and singular the Powers, Jurisdictions and Authorities, and to receive and enjoy, all and singular, the lawful Emoluments of a Justice of the Peace aforesaid, agreeably to the Constitution and Laws of the Commonwealth. To have and to hold this Commission, and the Office hereby granted unto you the said Isaac Franks, so long as you shall behave yourself well.

Given under my Hand, and the Seal of the State, at Philadelphia this twenty-fifth Day of September in the year of our Lord One Thousand Seven Hundred and Ninety-five and of the Commonwealth the twentieth.

By the Governor. JAMES TRIMBLE, *Deputy Sec.*

II.

(6)

Memorandum of Claim against the United States Government.

Ephrata, Lancaster County, Dec^{r}. 12, 1811.

In looking over my old Military papers this day, I have discovered an Erroneous credit which I have inadvertently given to the United States in my exhibited account, against myself, of which the enclosed is a copy.

Viz. "To the first item on the Credit side of my account I "have inadvertently given to the U. S. credit for 520 "dollars $\frac{6}{90}$ Continental Money (as specie) which I "received of Col. Bostwick for Pay as Forage Master "from the 1 Jan^{y}. 1778 to the 2 feb^{y}. 1779. 13 months & "2 days at $40 p^{r} mo. Without first Liquidateing the "same by the scale of Depreciation, established by "Congress on the 2^{d} June 1780, and by which *all* the "payments to the Army from the 1st Septem^{r} 1777 to "the 18th March 1780 were Liquidated and Settled.

My Pay for said item of Service to which said erroneous Credit is annexed, viz. from the 1st Jan^{y} 1778 to the 2^{d} feb^{y} 1779, 13 months and 2 days at $40 p^{r} month is.....	$522..67
The said 520 dollars $\frac{6}{90}$ Continental Money By the scale of Depreciation on the 2 feb^{y} 1779 at 11$\frac{41}{90}$ % for 100 dollars is	59..55
Balance due I. F. ..... with Interest from 1779*	$463..12

* Amount due is fixed at $469.16 (*sic!*). In another copy, interest is calculated till January, 1812, at $924, making a total sum of $1393 16.

[Copy.]

The United States in Account with Isaac Franks.

Dr.

To my services as Forage Master of the Garrison of West Point from the first January 1778 to the fifth September 1781, both days included is 44 Months and 5 days at 40Drs per month..... 1766–60

Cr.

	dollars.
1779. By Pay from Colo Andrew Bostwicke from the first Jany. 1778 to the 2d feby 1779 13 months & 2 days.....	520–60
Sepr 12, 1779. By Cash on acct. from Colo Clement Biddle C. G. Forage = 1000 dollars Continental Money Equal to $53\frac{22}{100}$.....	53..22
By Merchandize from Daniel Carthy A. D. Q. M. G. amtg to £4..2. N. York Money.....	10..22
Balle due by the U. S. to Is. Franks.....	1182..56
	1766..60

Errors Excepted.

Philada, Jany 18, 1788. Isaac Franks.

(7)

Letter to Charles Jared Ingersoll.

Philadelphia, Jan 24th, 1813.

The Honorable Charles Jared Ingersoll Esq.

Sir.

At the time I did myself the honor to state to you my claim on the U. S. I was not informed that a Memorial & Vouchers in my behalf had been put into the hands of Mr. Hyneman, then a Representative in Congress, who, in consequence of his intention to resign his seat did not present them, & on his departure put the same into the hands of Jonathan Roberts, Esq., a Representative in Congress.

As I have not heard that Mr. Roberts has acted on the same, I take the liberty, Sir, in consequence of your polite offer to present my Memorial, to address myself to you, to entreat your patronage, and solicit the favor of you to confer with Mr. Roberts on the subject of my Memorial, so that it be presented.

The object Sir, of my Memorial is, to rectify an error, made in the settlement of my Acct. by the Commissioner & overlooked by myself.

The Error is, that I gave credit for 520 dollars $\frac{60}{90}$th received as for my pay from the first of January 1778 to the 2nd of Feb. 1779, whereas that sum being paid me in Continental paper Money, should have been reduced by the Scale of Depreciation, to its specie value, which was but $59.55 making an error in my favor of $463.12.

It appears by the settlement made out by Mr. Burrell, the Commissioner, that he sliped over the Item to which the erroneous credit is annexed, and the credit with it; and in place of commencing his settlement of my account from the 1st Jan. 1778, the day on which my services as F. M. commenced at West Point, he, together with the Commissioner's settlement, dates his partial settlement only from the 2nd Feby. 79, by which artifice the $\$520\frac{60}{90}$ was suffered to stand without being reduced by the Scale of Depreciation, as in full for my pay from the 1st Jany. '78 to the 2nd Feby. '79, in the manner I inadvertently gave credit for it. But it is evident, although it was nominally so, yet that I was entitled to depreciation having been in service after the 10 April 1780, even in the Department where the Account originated, having continued in that Dept. to Sept. 1781, and afterwards went into the line of the army by Commission, and continued in the service of my country to the end of the war. My impression is, that in Equity, I am entitled to the full benefit of my services and ought to receive the amount of $\$463\frac{120}{100}$ with interest from the 2nd of Feby. 1779, and that the Acts of limitation cannot affect a claim of this kind.

I submit the subject to your good judgment, and rely upon that equal Justice which the Representatives of the nation may have in their Power to dispense.

I am, Sir,
with due respect
Your very obedient servant
I. F.

P. S. Sir.

The Erroneous credit to which I alude is annexed to the first item on the credit side of my Exhibited Account signed by me and affixed by the Court Genl. & presented the 10th Jany. 1788, to Jonathan Burrell, then Commissioner for the settlement of the accounts of the Quarter Master's Department, & on file in the Office of the Auditor General of the U. S. together with the partial settlement made by the Commr dated the 30th Jany 1788, to which I beg leave to refer & I trust will establish my claim.

III.

(8)

APPLICATION FOR OFFICE. LETTER TO RICHARD RUSH.

[Copy.]

Ephrata near Lancaster May 10th 1813

Richard Rush Esquire

Sir. The great loss of my sincere friend, The Celebrated Dr. Rush, the patron of Beneficence, distresses me much. I trust, Sir, that I may deserve from you that friendship that I always experienced from your good father for the last Thirty three years.

Grieve not at the inevitable moment that separated Him from us. He is happy. May your own end be equally Propitious, and may you when full of years and full of honor, sink down as gently to rest—beloved as sincerely as your happy Father.

The last time I was in Philadelphia in company with your Father, at his house, I suggested the Idea, that I should like to obtain some imployment [*sic*] in one of the Public Departments of the U. S. My intimation met his approbation, and He set down at his writeing table, and gave to me unsolicited, a general recommendation. Here said He, receive this with my best wishes for your success—I have never made any application to any Gentleman but yourself, nor never shown or made any use of the valuable recommendation before this opportunity. I now take the liberty to enclose a Copy, and earnestly solicit an appointment in your Department, or your kind Patronage to obtain some situation for me. I am encouraged Sir, to make my application to you, because you are the son of my dear deceased Friend, and to whom can a revolutionary officer (I entered the service of my country at the age of sixteen in the year 1776, and continued in the service of my country to the end of the war) apply with more propriety than to you Sir, the son of that great Patriot who bore so distinguished a part in the Congress of 1776 and through all the dangers of the American revolution.

Should you favor me with your attention, you will make me happy, and confer a lasting obligation upon, Sir,

Your most obedient

Servant

Isaac Franks.

P. S. Allow me, Sir, to avail myself of this opportunity to inquire, If any circumstance has occured to you, favorable to my equitable claim on the Treasury, to have the erroneous item of credit which I inadvertently gave to the U. S. against myself in my exhibited account rectified, so that I may thereby receive the ballance of that item so justly due to me for my pay for those toilsome services as Forage Master, (for which I only received in value according to the scale of Depreciation about $59\frac{51}{100}$) for 13 months and 2 days services, from the 1st January 1778 to the 2 february 1779) and

which erroneous Items of Credit the Commissioner (Burrall) skiped entirely over and did not correct nor include the same in the statement which He or his Clerks made out for a settlement of my account. The erroneous item I allude to is the first item on the credit side of my own exhibited account which I sent to the Commissioner for a settlement. With due respect, Your very obedient

Servant

I. Franks.

Please to direct to me at Lancaster.

Copy of Doc^{r} Rush^{s} Recommendation.

I have known Mr. Isaac Franks since the close of the revolutionary war in which he bore an active part as the Commander of a company.

His pursuits since that time qualify him in an eminent degree for an Accomptant, and to do all the duties of a Public office in which a knowledge of figures, bookkeeping, industry, punctuallity and executive business of that kind are required.

(Signed) Benj^{N} Rush.

IV.

(9)

Statement of Military Career.

A Narrative of the Revolutionary Services of Colonel Isaac Franks—who was Born in the City of New York on the 27th day of May, 1759.

In the month of May or June 1776, the Subscriber Joined Col. Lesher^{s} Regiment (a six months Reg^{t}) in the City of New York, as a Volunteer—The Regiment was annexed to the Army of the United States under the Command of General George Washington, and the Subscriber was with the said Regiment in the Battle of Long Island and in the retreat with the army from Long Island to New

York City, and continued to do Duty with said Regiment after they arrived in New York and was on a detached guard from said Regiment at the Fly Market on the East River when the Enemy entered and took possession of said city on the 15 Day of Sep^{r} 1776 and was taken Prisoner and suffered near three months confinement, when on an evening He made his escape, and in the night crossed the North River from the Bear Market at the foot of Division street in a small leaky skiff with one single paddle to the Jersey shore, —In the year 1777, He joined the Quarter Masters Department, at the Continental Village a few miles above Peekskill in the State of New York, as an assistant to the Forage Master Capt. Campbell. The Department was under the Direction of Col. Hugh Hughes D. Q. M. G^{l}, and in January 1778, the Subscriber was appointed Forage Master of the Garrison of West Point, and its Dependences—In which station He continued to serve and act, until He was appointed a Commission officer in the line of the Continental Army which was some time in the year 1780, or on the first January 1781 when He Joined Captain Mills company in the 7th Massachusetts Regiment as an Ensign—The Regiment was then Stationed at West Point—And in October or November 1781—He was detached on Command to join Captain Gooddale at Fort Verplanks Point, Situated on the North river opposite to Stoney Point, where He continued on Duty until february 1782, when He was relieved and again joined his Regiment at West Point—

Some time after He received from Major General Alexander McDougal the Commander of West Point and its dependences, a Furlough (being the first furlough the Subscriber ever applied for during all his revolutionary campaign)— He then visited his friends, aud was in the City of Philadelphia when the news of peace arrived— He solemnly declares, that through the whole of his long and arduous Revolutionary services, He always acted with Honor and Strict fidelity— The Subscriber is a Native

Born Citizen and never was absent from the United States, He never received a Pension— That now by reason of his reduced circumstances, He needs the assistance of his Country.

ISAAC FRANKS— Philadelphia, April 6th 1818.

For further Evidence, If required—

Refer. 1st The Congress & War office Register of Commissions

2d The pay Masters Rolls of the 7th U. S. Massachusetts Regiment, commanded by Col. John Brooks, Genl Patterson's Brigade; Stationed at West Point—

3d Genl Washington's Register of Resignations—

(10)

STATEMENT MADE BEFORE JOSEPH B. MCKEAN.

[Copy.]

City & County of Philadelphia.

On this Eight day of April in the year One thousand Eight hundred and Eighteen before me Joseph B. McKean, Judge of the District Court for the City & County of Philadelphia in the Commonwealth of Pennsylvania, personally appeared Isaac Franks of the same City, who being duly sworn, deposes & says, that he served in the War of the Revolution, against the Common Enemy as an Ensign in the Army on the Continental establishment, above twelve months, without any intermission.

That he entered the service in the month of May or June 1776 and joined Col. Lesher's Regiment in the City of New York (his native City) as a Volunteer. That he was in the Battle of Long Island. And in the year 1777 He joined the Quarter Master's Department in the Continental Village, a few miles above Peekskill in the State of N. Y. as an assistant Forage Master to Capt. Campbell. The Department was under the direction of Col. Hugh Hughes D. Q. M. Genl.

In January 1778, the Deponent was appointed Forage Master and in the Spring of the same year (1778) was stationed at West Point as Forage Master of the Garrison of West Point & its Dependancies and so continued for several years, until the Month of January in the Year 1781, when as an Ensign he joined the Seventh Massachusetts Regt., then stationed in the Garrison of West Point, in the Army of the United States and afterwards received his commission as an Ensign in said Regiment dated the 12th March 1782 to take rank as such from the 1st Jan. 1781 and continued in the service till about the month of June 1782, when the deponent resigned with the approbation of the Commander in chief, through the interference of Dr. Samuel Findly the Surgeon of said Regt. Being severely afflicted with the gravel, which still, occasionally, greatly distresses him That by reason of his reduced circumstances in life, he is in need of Assistance from his country for support, and that he never has rec'd or been allowed any pension by the laws of the U. S. That he is a native born, and yet a resident Citizen of the U. S. & now resident in the City of Phila in the Commonwealth of Penna.

I. F.

Sworn & Subscribed
Before
J. B. McK.

[Copy.]

I Joseph B. McKean etc., as aforesaid, do Certify that it appears to my satisfaction that the said Isaac Franks did serve in the Revolutionary War, as stated in the preceeding declaration, against the Common Enemy; and now transmit the preceeding declaration and testimony had and taken before me, to the Secretary of the department of war, pursuant to the directions of the aforementioned Act of Congress.

(Signed) Jos. B. McKean.

The evidence in addition to the Claimant's Affidavit etc. transmitted is:

1. His Commission as Ensign in the Seventh Massachusetts Regiment in the army of the United States dated 12 March 1782 to take rank as such from 1 Jan. 1781.

2. Certificate of Clement Biddle Com. General of Forage dated the 19 March 1812.

(Signed) J. B. McKean.

[Seal of the
District Court
of the City & County
of Philadelphia.]

(11)

Letter to Jonathan Roberts.

[Copy.]

Philadelphia Dec. 15th 1818

The Honorable
Jonathan Roberts Esquire
Member of the Senate of the U. S.

Sir.

I intended to have addressed myself to you, on the subject of a Pension from the U. S. last spring, but my papers were only prepared by my friend Judge Joseph McKean, when Congress was about to adjourn, then I thought it was too late in the session to trouble you.

I now beg leave to address you on the subject and to enclose my Declaration and Vouchers, for your examinations, and respectfully solicit the favor of you to take my claim for a pension under your Patronage & and be pleased to have the goodness to present my claim to the Secretary of War.

My application for a Pension was made to Judge McKean (as he has certified) on the 8th day of April last agreeable to law, and He is of opinion that the pension will commence from that date.

I beg leave to avail myself of this opportunity to tender to you my sincere thanks for your kind endeavors in my behalf in the year 1814, when my claim on the U. S. was pending before Congress, for arrearage of Pay for my Revolutionary services, which is yet unsettled and a balance due to me from the U. S. of upwards of sixteen hundred Dollars, which is said to be barred, unfortunately for me by an act of Limitations. I am sir,

with great Respect & Esteem
your obedient servant

Isaac Franks.

P. S. I am Sir a native born Citizen and a uniform Republican. When Sir, it may be convenient to you to favor me with a reply, Be pleased to direct.

Col. Isaac Franks,
Philadelphia.

(12)

A Second Letter to Jonathan Roberts.

Philadelphia February 22d 1819.

The Honorable
Jonathan Roberts, esquire

Sir—

Your esteemed favor of the 19th of December last, came duly to my hands, adviseing me of your having received the proofs of my revolutionary services, and that you had presented them to the Secretary of War, and you were pleased to observe, that when they were decided upon, you would advise me. Accept sir, my grateful thanks for your benevolent attention.

Not having received any advice from the War office, and being anxious to enjoy that provision which the Laws of my Country have provided for me, I take the liberty, Sir, to address you again, in order to state some facts of my Revolutionary services, which I omitted in my letter to you on the subject of a Pension.

In June, 1776, armed and equiped at my own expense, I joined the army in the City of New York, and in July following, in parade order attended the *first* communication of the Declaration of Independence, which was read to the Troops: when we *all* as with one voice, Declared that we would Support and Defend the same with our lives and fortunes.

In August following, I marched with the Army under the immediate Command of General Washington, to Long Island, was in the heat of the Battle, and in the retreat to New York, and continued steadily and actively in the Army of the United States in the Service of my Country from the month of June 1776 until within a few months of the preliminarys of peace in the year 1782, when I was suddenly attacked with the gravel, which occasionally afflicts me to this day.—(See Rush's letter.)

The first part of my revolutionary services was as a Volunteer in the year 1776. The second part, from the first of January 1777, to the 31st December 1780, Four Years, was in the Quarter Master General's Department, on the continental establishment; and was in continued active service. —My stations where as follows viz: on the lines of the Enemy in the neighborhood of New York, at the white plains: at the Continental Village, until the enemy took and burnt it; and at the Garrison of West Point, and its dependences, (see Col. Clement Biddle's, certificate of my services) and the last part of my revolutionary services from the first of January 1781. to about June 1782 (seventeen months) was as an officer in the Line of the Army of the United States on the continental establishment, (see my Commission from Congress.) And I do solemnly declare, That all my revolutionary services, were steady and active, and performed with Honor and fidelity and without intermission. If sir, I am not trespassing too much upon your time and it will be convenient—permit me once more, respectfully to solicit your patronage with the Secretary of War to enable me to receive

my certificate, before you leave Washington—My declaration was made before Judge McKean on the eight day of April 1818.—I am Sir—with due Respect—your obedient Servant

ISAAC FRANKS.

V.

(13)

COPY OF BILL PRESENTED TO PRESIDENT GEORGE WASHINGTON.

An account of Extraordinary Expences, occurred to Isaac Franks in order to Accomodate the President of the United States, with his house, furniture, Beds, etc. in Germantown in consequence of a note received from the President the sixth Nov. 1793 to that purport in a letter from Thos. Dungan of Germantown.

	Doll.
1793, Nov. 6. Paid for the hire of a light two-horse waggon and driver for six days, at 2 dollars per day, for conveying myself & Mrs. Franks to Germantown, from Bethlehem in order to put my house & furniture in a situation to accommodate the President	12
Expences attending the Jurney	18
For the hire of Beds, furniture, etc. to acommodate my family during the time the president occupied mine	12
Set out on the 19th Dec. for Germantown from Bethlehem in order to ascertain from the President, how long he intended to keep my house, furniture, etc. that I might accommodate my family and govern myself, accordingly expences attending this jurney & back to my family	10
Cash paid for Cleaning my house and putting it in the same condition the President rec'd it in	2..50

For the damage done to a large double Japand waiter made use of in the service of the president.....		6
To one flat Iron missing.....	£0..1..10½	
One large fork @ 2/6.....	..2 ..6	
4 Platters @ 1/.....	..4 ..	
To 3 Ducks @ 2/6.....	..7 ..6	
4 Fowls @ 1/9.....	..7 ..	
1 Bushel Potatoes.....	..4 ..	
One hundred of Hay.....	..6 ..	
	£1..12..10½	4..40
To 2 Months house rent @ 400 D^{rs}. pr Year		66..66
		Dols. 131..$\frac{56}{100}$

(14)

G. W. Hufnagle's Account of Colonel Franks' Residence in Germantown.

This Dwelling and Residence of Colonel Isaac Franks, Situated in Germantown, pa (phil^{a}) as follows—

This Dwelling No. 4782* Main Street Germantown, phil^{a} pa. was built by David Desler, in 1774 & 75—and at the time of the Battle of Germantown, it was taken possession of by Sir William Howe Commander in chief of the British Army, as His head Quarters, and here he received a visit from the future King William the 4th then a Midshipman in the British Navy—In 1782 this property was sold by David Deshler [*sic*] to Colonel Isaac Franks, Aid de Camp to General George Washington—During the Yellow fever of 1793, The Seat of Government was removed to Germantown pa, and General George Washington rented this Dwelling furnished from Colonel Isaac Franks and occupied it with His family.

In 1804 it was purchased by Elliston and John Perot as a

*Present number: 5442.

summer residence—and on the death of Elliston Perot, in 1834, it fell to his share (John) and became part of his estate.

His son in law Samuel B. Morris, purchased it soon after, and resided there until his death in 1859, and leaving it by his will to his son Elliston Perot Morris—The present owner who resides in it—(August 1876) 8 month 1876.

The Residence of General George Washington in 1793.

SOME CASES IN PENNSYLVANIA WHEREIN RIGHTS CLAIMED BY JEWS ARE AFFECTED.

By John Samuel, Esq., *Philadelphia.*

The case of Stansberry *v.* Marks, reported in 2d Dallas, page 213, was tried on Saturday, April 5, 1793. The defendant offered Jonas Phillips, a Jew, as his witness, but he refused to be sworn because it was his Sabbath. The Court therefore fined him £10.

In 1816 Abraham Wolff was convicted, under the act of 1794, for performing worldly employment on the Lord's day, commonly called Sunday.

His conviction was excepted to, on the ground (among others) that being a Jew, he was not within the meaning of the act inflicting the penalty.

Phillips, his counsel, among his other arguments in the Supreme Court, used this curious one, that the Fourth Commandment, "Six days *shalt* thou labor and do all thou hast to do," imperatively bound him to work all of the other days except the day he thought set apart for rest, viz. Saturday.

It is needless to say that the Court did not support that construction of the Fourth Commandment and affirmed the conviction. This case of Commonwealth *v.* Wolff is reported in 3 Sergeant & Rawle, page 48.

In the case of Phillips *v.* Gratz, reported in 2 Penrose & Watts, page 412, both parties were Jews. The cause came on to be tried on Saturday, May 7, 1831. Levi Phillips, one of the plaintiffs, with what seems rather a strange inconsistency, came into the court-room and there made an affidavit "that he had scruples of conscience against appearing

in court to-day and attending to any secular business, and that he believes his presence and aid will be material in the progress of the cause." On filing the affidavit, plaintiffs moved for a continuance of the case, that is, that the case be not then tried, but that it should go over until the following term. The Court would not grant the "continuance" asked for, but ordered the case to go on. An appeal was taken to the Supreme Court. The remarks of Chief Justice Gibson, one of the most liberal, as well as one of the most distinguished men who ever filled that seat, in delivering the opinion of the Court, on the duty of the individual when his conscience comes in collision with the law, are so sane, so in contrast to the morbid views of overwrought hypersensitiveness which have of late prevailed, that they deserve repetition:

"The religious scruples of persons concerned with the administration of justice will receive all the indulgence that is compatible with the business of government; and had circumstances permitted it, this cause would not have been ordered for trial on the Jewish Sabbath. But when a continuance for conscience's sake is claimed as a right, and at the expense of a term's delay, the matter assumes a different aspect.

It never has been held . . . that the course of justice may be obstructed by any scruple or obligation whatever. The sacrifice that ensues from an opposition of conscientious objection to the performance of a civil duty, ought, one would think, to be on the part of him whose moral or religious idiosyncrasy makes it necessary; else a denial of the lawfulness of capital punishment would exempt a witness from testifying to facts that might serve to convict a prisoner of murder, or, to say nothing of the other functionaries of the law, excuse the sheriff for refusing to execute one capitally convicted. That is an exemption which none would pretend to claim, yet it would inevitably follow from the principle insisted on here. Indeed, a more apposite instance

of conflict betwixt religious obligation and social duty can hardly be imagined. Rightly considered, there are no duties half so sacred as those which the citizen owes to the law. In the judicial investigation of facts, the secrets of no man will be wantonly exposed, nor will his principles be wantonly violated; but a respect for these must not be suffered to interfere with the operations of that organ of the government which has more immediately to do with the protection of person and property. The safety of the citizen and the very existence of society require that it should not. That every other obligation shall yield to that of the laws, as to a superior moral force, is a tacit condition of membership in every society, whether lay or secular, temporal or spiritual, because no citizen can lawfully hold communion with those who have associated on any other terms ; and this ought, in all cases of collision, to be accounted a sufficient dispensation to the conscience."

It is to be observed of all of the above cases, that though the questions arose concerning Jews, yet they do not affect any question or right peculiar to Jews. The same questions might arise (and have since arisen) with the Seventh Day Baptists and others.

HENRY CASTRO, PIONEER AND COLONIST.

By Rev. Henry Cohen, *Galveston, Texas.*

Henry Castro, the pioneer of that portion of western Texas situated west of the city of San Antonio, was born in France in July, 1786, of rich parents, and was descended from one of the oldest Portuguese families (the Marrano family of De Castro), one of his ancestors, Joaõ of Castro, having been fourth viceroy of the Indies for the King of Portugal. In 1805, at the age of nineteen, he was selected by the Prefect of his department (Landes) to welcome the Emperor Napoleon on the occasion of his visit to that department. In 1806 he was one of the guard of honor that accompanied Napoleon to Spain. In 1818, being an officer in the first legion of the National Guards of Paris, he fought with Marshal Moncey at the gate of Clichy. He emigrated to the United States after the fall of Napoleon, and in May, 1827, was appointed Consul for Naples at the port of Providence, Rhode Island, having become an American citizen, by choice, the same year. He returned to France in 1838, and forming a partnership with a Mr. Lafitte, he took an active interest in trying to negotiate a loan for the Republic of Texas.

With the declaration of Texan independence, March 2, 1836, all colonial grants and contracts with Mexico or the State of Coahuila and Texas ceased. From the birth of the Republic of Texas to the year 1841, there was no law authorizing colonial contracts. On February 4, 1841, a law was passed empowering the President, under conditions set forth, to enter into contracts for the colonization of wild lands in Texas. This act was amended January 1, 1843.

On January 15, 1842, Henry Castro entered into a contract with President Houston, for settling a colony west

of the Medina, such contract to hold good for five years. The eastern boundary of the proposed colony being four miles west of the Medina, the settlement would have been deprived of the advantages of being situated upon that beautiful stream, had not Castro purchased from private individuals the lands adjacent, thereby making Medina his eastern boundary. President Houston having appointed Mr. Castro Texan Consul-General to France, the latter at once began to carry out his emigration enterprise; but, most inopportunely for his cause, Texas was invaded by Mexico (1842), and although his plans were not frustrated, the work was retarded. On December 25, 1844, after the cessation of hostilities and their consequent public inconveniences, his contract was prolonged for three years from its original period of termination,—a just and honorable concession by Texas to one of such approved zeal and energy. Meanwhile, upon his appointment as Consul-General, he hurried to France, where, besides his official and personal affairs, he did yeoman service in aiding General James Hamilton, the Texan minister, to popularize the cause of Texas in that country. He encountered great obstacles to his colonization scheme, as the French government was using immense efforts to encourage migration to its colonies in Algiers. On November 13, 1842, despite opposition, he dispatched, at his own expense, the ship "Ebro," from Havre, with 113 emigrants for Texas. This was followed soon afterwards by the "Lyons," from Havre, and the "Louis Philippe," from Dunkirk, both bearing emigrants, among whom was the Abbé Menitrier. From Antwerp on October 25, 1843, the "Jeane Key," and on May 4 of the same year the "Jeanette Marie," set sail for Texas with their human freight. These five ships brought seven hundred colonists, men, women and children. Between the years 1843–1846 Castro introduced into Texas over five thousand emigrants —farmers, fruit and vine-growers,—transporting them in twenty-seven ships,—chiefly from the Rhenish provinces.

These made an excellent class of industrious, law-abiding people, whose work in the beautiful gardens, fields and homes in Medina and the contiguous counties can be seen to-day.

On September 3, 1844, after many delays, the heroic Castro formally inaugurated his colony. A town had been laid out on the west bank of the Medina, and by a unanimous vote of the colonists, was named Castroville.

Some noted Texas characters, Colonel John C. Hays, Colonel George T. Howard, John James the surveyor, and John M. Odin, the first Catholic Bishop of Texas, visited Castroville and bade welcome to the strangers from France and the Rhine. Bishop Odin laid and blessed the corner-stone of the first house dedicated to the worship of God—a service solemnized even before the settlers had built permanent huts to shelter their families.

The settling of this colony was a bold step, exposed as the location was to the attacks of bandits and degenerate Mexicans on the west and to the hostile Indians on the north. In the establishment of the little city, Castro confronted dangers unknown to the first American colonists in 1822, for besides these savages, now accustomed to the use of fire-arms, the settlement challenged inroads from the whole Rio Grande Mexican frontier, which in 1822 furnished friends and not enemies to the foreign colonies in Texas. It was doing that which both Spanish and Mexican power had failed to do in the one hundred and fifty-two years (1692–1844) since the first settlement at San Antonio. It was founding a permanent home for civilized men between San Antonio and the Rio Grande, the settlements and towns which were unanimous in their hostility to Texas and its people. It was an achievement entitling the name of Henry Castro to be enrolled among the most prominent pioneers of civilization in modern times.

Mr. Castro, soon after establishing his Castroville colony, was compelled to revisit France for a few months. He deliv-

ered a farewell address to his people, to which on November 25, 1844, they responded in writing as follows: "We take pleasure in acknowledging that since the 1st of September, the date at which we signed the *procés-verbal* of taking possession, you have treated us like a liberal and kind father. . . . Our best wishes accompany you on your voyage, and we take this occasion to express to you our ardent desire to see you return soon among us to continue to us your paternal protection." Signed by Leopold Menitrier, J. H. Burgeois, George Cupples, Jean Baptiste Lecompte, Joseph Weber, Michael Simon and forty-seven others, all heads of families.

In 1845, upon his return to Texas, Castro settled the town of Quihi, in 1846 Vandenburg, and in 1847 Dhanis, all of which settlements (situated in Medina, Frio, McMullen, Zavalla, Uvalde, Bandora and Bexar counties) are now in a prosperous condition, Castroville being a flourishing city.

In his emigration schemes Henry Castro expended over one hundred and fifty thousand dollars of his personal means. He fed his colonists for a year, furnished them with cows, farming implements, seeds, medicine, and in fact whatever they needed. He was a father, dispensing blessings hitherto unknown in the colonization of Texas. He was a devoted friend of Presidents Lamar, Houston and Jones, who in turn did all in their power to further his noble and patriotic work of planting permanent civilization in southwest Texas. He had implicit confidence in the capacity of intelligent men for self-government, and abhorred despotism as then illustrated by the monarchies of Europe. He believed, with Jefferson, in the God-given right of every association of men, communal or national, to select its own officers, and by chosen representatives, to make its own laws; hence he was, in every sense, a valuable accession to the infant republic of Texas. Besides a number of maps, he published many pamphlets on Texas, in French and German, which, circulating principally

in the Rhenish provinces, aided his emigration movement.* In 1876 the State of Texas honored his memory as the pioneer of western Texas by giving his name to one of the new counties. His tastes were literary, and he was exceedingly modest. The instinct of the Marrano must have been strong within him, as it is related, upon the authority of a contemporary, that during his surveying tours he would leave his companions in order to retire to the forest for the purpose of binding his phylacteries (*tephillin*). He did not often speak of his family, although he was proud of his uncle, Dr. Barota, an eminent physician of Jamaica.

When the civil war raged in the United States and our ports were closed, Henry Castro sought to visit the land of his birth, and to that end reached Monterey, Mexico. There he sickened and died (1861), and there, at the base of the Sierra Madre, his remains repose; but his memory has an abiding place in the bosom of every Texan who reads of his labors in the cause of civilization.

Authorities.

Texas Almanac, (Galveston), 1870, pp. 57–58.

History of Texas, by John Henry Brown, 1892, Vol. II, pp. 282–286, 541.

The Republic of Mexico, by Lorenzo Castro (Henry Castro's son), 1882, Preface, pp. iii, iv.

Correspondence of Phineas de Cordova, a contemporary of Henry Castro, January 1st, 1895.

* Extract from C. W. Raines' *Bibliography of Texas* (Austin, 1896), page 46: "Castro, Henry (1786–1861) Memoirs on Texas, in French and German, with maps. 12mo. 1845. Castro's publications were to induce emigration to his colony in Medina county. Under his auspices 485 families and 457 single men settled in Western Texas."

MATERIAL FOR THE HISTORY OF THE JEWS IN THE BRITISH WEST INDIES.

By Herbert Friedenwald, Ph. D., *Philadelphia.*

The time is not yet ripe for writing the history of the settlement of the Jews in the British West Indies. Before that can be done, the material upon which such a history will be based must first be collected and published. Up to the present time our reliance, in the main, has been put upon the inadequate and often erroneous statements to be found in the general histories of the West Indies. But the publication, by the British Government, of calendars of documents preserved in the Public Record Office in London, has made available a large body of authentic material, from which many of the appendices to these notes have been derived. Although, as yet, issued only for the century from 1574 to 1676, it will be seen that they contain information of great value. As the home government gave more and more attention to colonial affairs after the latter date, and particularly after the accession of William III, it is safe to assume that the later calendars will prove of still greater usefulness.

To supplement the information obtained from this source a careful examination has been made of the laws of the West Indian colonies, contained in the great Charlemagne Tower collection of colonial laws in the possession of the Historical Society of Pennsylvania. Many laws, however, particularly those imposing taxes which so often affected the Jews, were of a temporary character, being frequently in force but for two or three years. These have rarely been published in full, and it is extremely disappointing, after following up a

promising trail, to find it ending only in a title. Thus, for example, it has been possible to find only two of the laws against which the Jews of Jamaica petitioned in 1700.*

But the original manuscript laws and minutes of the councils and assemblies of these colonies are, it is hoped, still in existence; if not at the Public Record Office, perhaps among the archives of the individual colonies. Much other documentary material must also be preserved in the latter depositories. It is, in consequence, futile to attempt to do justice to the history of the Jews in that part of the world, until careful examinations of the local records have been made upon the spot. The field is inviting, not alone because of its fertility, but also by reason of its diversity and importance. Here, first in the New World—and in all the world, for that matter—Jews enjoyed some of those rights of Englishmen, for the preservation of which many of the ancestors of members of this Society fought and bled at a later period.

In small numbers, they occasionally wandered or fled from Europe and South America into these islands during the first half of the seventeenth century. It is indeed related that Jews settled in Barbadoes in 1628.† Some color to this statement of the early presence of Jews in the West Indies is lent by a letter from one Abraham Jacob to the Earl of Carlisle, bearing date September 22, 1628, wherein he complains of the island business as having been exceedingly unprofitable.‡ Jacob, however, writes from London, and his remarks give no evidence that he was trading with Jews there, although the chances are that he was.

We come, however, to definite data in 1661. On the 8th

*See *Pub. Am. Jewish Hist. Soc.* No. 2, pp. 165–166, and Appendix XIV.

†See *History of Barbadoes* by the now famous Sir Robert H. Schomburgk, wherein he says (p. 97) that, according to the best information obtainable, the earliest settlement of the Jews there dates from 1628.

‡*Calendar of British State Papers, Colonial*, 1574–1660, p. 94.

of April of that year Benjamin de Caseres, Henry de Caseres and Jacob Fraso petition the King to permit them to live and trade in Barbadoes and Surinam.* The recently enacted Navigation Act of Charles II, more stringent than any that preceded it, prohibited trade with all English plantations except in English ships owned and manned by Englishmen, and all the products of the plantations must perforce be shipped to England.† Illegal trade, particularly with Holland, was none the less carried on, but these three Jews wished to come by their opportunities honestly. They must have been men of account, for to fortify their application they had been able to induce the King of Denmark to similarly appeal to Charles II in their behalf. Their petition was in due course referred to the Commissioners for Foreign Plantations, who made report to the King on the 24th of July of the same year.‡ They review the whole question of the advisability of allowing Jews to reside in and trade with His Majesty's colonies, a matter which they say "hath been long and often debated." The merchants of England are opposed to the admission of Jews, because of their ability to control trade wherever they enter it, and because they will divert it from England to foreign countries, which will reap the benefit. The planters, on the contrary, favor their admission by reason of the advantages that the colonies and the kingdom will derive from the freer trade, and they state that the merchants oppose the admission of the Jews to trade because they "principally aime at the appropriating that whole Trade to themselves, and the necessitating the Planter to accept such prices and Conditions as they shall think fitt to impose upon them."

These arguments are given due consideration by the Commissioners. They refrain, however, from deciding the general question, but advise that these three highly recommended Jews, who have "behaved themselves well, and

*See Appendix I. †12 Charles II, 1660. ‡See Appendix II.

with general satisfaction many yeares upon Barbados,"* be granted a special license to reside there or in any other plantation.

Ever since the capture of Jamaica in 1655, the trade relations between England and her West Indian possessions had been of increasing proportions. The resources of the island were being discovered and utilized, and the Jews were early on the scene. At about the same time that the case of the three Jews just mentioned was before the Council for decision, Jacob Jeosua Bueno Enriques, a Jew, resident in Jamaica for two years, petitioned the King for permission to work a copper mine in that island. Nothing daunted, he further requests that he and his brothers Josef and Moise Bueno Enriques "may use their own law and hold synagogues."† We find no statement to indicate whether this permission was granted or not, but, as we shall presently see, a Jacob Henriques appears there, as a man of prominence, in 1693.

The next reference to a Jew in that quarter is in a letter bearing date May 25, 1664, from Lieutenant-Colonel Thomas, the President of the Jamaican Council, wherein he mentions a certain "gold-finding Jew, Senr. Abram Israel de Pisa," who has sailed for England, leaving behind him some ore, with directions to find the gold. But Colonel Thomas sententiously adds, "we are all infidels, because the miracle is to be wrought in our own country." He states, however, that Pisa has found some vanilla and pimento.‡

A month later in the same year we happen upon the rather interesting personality of Benjamin Bueno de Mesquita, whose name has already appeared in the pages of these *Publications.*

*This statement of the residence of these Jews for many years in Barbadoes, and the one made above, that the question of their admission to the islands has long been the subject of debate, are worthy of especial note, for they establish the fact that they were there considerably before 1661.

†See Appendix IV.

‡See Appendix V.

He, a Portuguese merchant resident in Jamaica, prays the King for relief from the provisions of the Navigation Act which prevent him, a foreigner, from trading with His Majesty's plantations, where he has all of his estate.* He therefore desires to be granted letters of denization, so drawn, however, that he may take the oath of allegiance† there. The attorney-general, to whom the application was referred, gave it as his opinion, on July 5, that the King might legally grant the same.

The permission was scarcely given, when, moved by the failure of certain Jews in Barbadoes (to whom we shall presently advert) to find the promised gold mines, the wrath of the King was aroused, through the machinations of Sir William Davidson, who considered himself "much damnified" by them. Benjamin Bueno de Mesquita, with his two sons, Abraham Cohen, Jacob Ulloa, and Abraham Suarez, are thereupon ordered to be banished the island, but not before they have paid certain customs dues and made sundry other restitutions.‡ The tombstone of Benjamin Bueno de Mesquita has been found in New York City, with the date 1683 upon it.§ It is therefore altogether probable that he and his family, and possibly the other Jews mentioned, when forced to leave Jamaica, migrated to New York.

Three years later‖ Solomon Gabay Faro and David Gomes Henriques, who have been made free denizens of England,

*This statement would indicate that Mesquita was living in Jamaica at least before 1660, and possibly before Jamaica was captured by the British.

†It will be remembered that the process of denization or naturalization in England until 1753, when the "Jew Bill" was passed, required taking the oaths of allegiance and supremacy, and the sacrament as well. The law of Jamaica of 1683 required, for naturalization, simply taking an oath of allegiance, but whether this contained any clause obnoxious to the Jews to which they could not subscribe, I have been unable to discover.

‡See Appendix VI, also XVII.

§See *Pub. Am. Jewish Hist. Soc.* No. 1, p. 91; No. 2, p. 98.

‖July 3, 1668. See Appendix VII.

are, by order of the King, recommended to Sir Thomas Modyford, the governor of Jamaica, in order that they may be permitted to remain upon the island and trade there, "as long as they behave themselves well and fairly."

On July 29, 1670, Abraham de Soza Mendes, mentioned as an inhabitant of Jamaica, is ordered, by the King, to be made a free denizen of England, but only on condition that he take the prohibitory oaths of allegiance and supremacy before the governor of the island.*

In September (23) of that year, the governor, in a letter to Secretary Lord Arlington, gives a general survey of the whole island, for the imperfections of which he makes humble apology. Included in this are the names of landholders in every parish, with the number of acres owned by each. The absence of Jewish names from the list is surprising, the only possible one being Moses Raco of St. Andrew's Parish, holding eighteen acres. This gives some standing to the charges that they would not become planters, but remained traders and merchants, made against them a few years later.†

In view of the frequent reference to the taking of oaths of allegiance and supremacy as conditional to the granting of letters of denization, it is well to note the instructions dated December 31, 1670, to Sir Thomas Lynch, appointed Lieutenant-Governor of Jamaica to succeed Sir Thomas Modyford. He was instructed, in order to give all possible encouragement to persons of differing religions, to dispense with the oaths of allegiance and supremacy except to officials of the Council, "finding some other way of securing allegiance"; and he was to suffer no man "to be molested in the exercise of his religion, so he be content with a quiet and peaceable enjoying of it."‡ His government, which

* *Domestic Entry Book Chas. II*, Vol. 25, p. 176.

† *Calendar of British State Papers, Colonial Series*, 1669–1674, No. 270. See also document in *Pub. Am. Jewish Hist. Soc.* No. 2, p. 168.

‡ *Calendar of British State Papers, Colonial Series*, 1669–1674, No. 367, p. 146. A suggestion to this effect had previously been made

lasted but a few years, is generally spoken of as one of particular prosperity.*

In 1671 the Jews received considerable attention, both at home and on the island. In June of that year letters of denization are ordered to be issued to Abraham Espinosa, a merchant, upon his taking the oaths of allegiance and supremacy.† On October 21st the minutes of the Council of Jamaica mention a petition of English merchants against the trading of the Jews. By reason of this, an exact account is directed to be kept of those who produce letters of denization, "and the Council will advise what to do with those that have none."‡ In November, Sir Thomas Lynch speaks of having transmitted a petition against the Jews,§ although its contents are not stated. It is probably the one, however, which will presently be mentioned.

In the following December, Governor Lynch writes to Secretary Lord Arlington, describing the condition of affairs in the island. He refers to the petition against the Jews, but expresses the opinion that they ought not to be expelled. Only sixteen of them are without letters of denization, and he is of the opinion that the King can have no more profitable subjects than they and the Hollanders, "who have great stocks and correspondence." The tone of his remarks is decidedly commendatory, and he pays a tribute to the intelligence of one of

(Sept. 20, 1670) by Sir Thomas Modyford, *ibid.* No. 264. Among the instructions suggested to the King by the Council for Trade and Plantations, to be given to the newly appointed governor of Jamaica, the Earl of Carlisle, is a clause similar to that noted above. It bears date of March 23, 1674, but did not go into effect until Carlisle's appointment in 1678. See *ibid.* Nos. 1252, 1253.

* It may be added also that No. 523 of the same series of state papers records the fact that Jacobe de Tones or Torres of Jamaica was on May 5, 1671, made a free denizen of England, although there is nothing but his name to indicate his race and religion. A Jacob Lopes Torres appears later on.

† See Appendix VIII.

‡ *Calendar of State Papers, ubi supra* No. 642.

§ *Ibid.* No. 663. Letter to the Council for Trade and Plantations.

them by sending him to the inland provinces to see whether he can cure some vanilla for export.*

Early in the next year he repeats his request for orders concerning the Jews, in whose favor he mentions, as an additional qualification for residence, their aversion to the French and Spaniards.†

A few months later‡ the petition of the merchants against the Jews, to which Governor Lynch has several times referred, is considered by the Council of the King. In it complaint is made of their methods of engrossing trade, which arouse particular jealousy, and they request that the Jews be restricted to a trade only by wholesale, abandoning that by retail to the other merchants.§ The Council made short shrift of these puerile objections, and in July recommended that encouragement be given to the Jews, along with the Dutch and others to settle there—a recommendation to which the King gave effect by appending his signature.‖

There now appears upon the scene one Rabba Couty, a merchant of New York, who, in sore straits by reason of most unjust treatment, appeals to the King for redress. He states in his petition, dated November 15, 1672,¶ that he has long been a resident of New York, where he has paid scot and lot as a burgher. He received a license in August, 1671, from Governor Lovelace to traffic in the ketch "Trial" to His Majesty's dominions in the West Indies. But in spite of this, his ship, laden with victuals, was libeled at Port Royal, Jamaica, upon pretence that he was no denizen. And in November, 1671, under sentence of the Judge of the Admiralty, was condemned, confiscated, and the cargo divided amongst the judges. He has received much kindness at the hands of Governor Lynch, to whose lenity he particularly

* See Appendix IX.
† March 10, 1672. See Appendix X.
‡ June 11, 1672.
§ See Appendix XI.
‖ See Appendix XII.
¶ This date must be that of the time when the petition was received by the Council.

refers,* but as he has been disseized of his ship and cargo without warrant of law, as his loss is from twelve to fifteen hundred pounds, whereby he is entirely undone, and as the ship and cargo represented "the Greatest part of his Substance," he prays for redress at the hands of His Majesty, and that his case may be heard by the Council for Trade and Plantations.

The Council, with rare fair-mindedness and expedition, gave in their report on December 20, 1672, expressing the opinion that the decision of the admiralty court was illegal and that the ship and cargo, or the value thereof, should be restored to the owner. Two days later, the King, in an order to Governor Lynch, confirmed the decision of the Council and commanded that reparation be made to the injured Couty.†

The case is of unusual interest and importance, not alone because of the fact that justice at this time was so readily granted to a Jew, but because his appeal was acted upon with such promptness and the reversal of the decision of the admiralty court is made in such emphatic terms. Those familiar with the history of colonial America at a later day are aware of the difficulties put in the way of appeals to the King in Council, of the delays that so frequently befell such appeals, and how their number was therefore reduced to a minimum. To have a case decided within almost a year from the date of the original trial was quite exceptional, and may indicate that Couty was a person of an importance quite out of the ordinary. His statement that he paid scot and lot as a

*Governor Lynch, in his letter of December 17, 1671, thus describes the trials of Couty and his crew: "The Spaniards carried into St. Jago one of our ketches from New York, wounded some of the seamen, robbed all and then dismissed her; but she has had harder measure here, for being a Jew's, the merchants informed against her, and she was condemned for a foreigner, though the vessel, master, seamen, and goods were English." See Appendix IX.

†See, for the details, Appendix XIII.

free burgher, which is verified by the testimony of Governor Lovelace, shows that his is probably the first instance of the admission of a Jew to full burgher's rights in New York, and perhaps in the whole of the colonies. This being true, it ought to be noted further that Couty makes no reference, in his petition, to his being a Jew, and that the fact comes out incidentally in the report of the Council on the case, and in the letter of Governor Lynch. As his name has not heretofore been discovered among those of New York's Jewish settlers, it is possible that he made no open profession of his religion, and that by reason of this concealment was admitted to burgher's rights, and traded to the West Indian colonies unmolested until the time of the incident here recorded.* Further, appeals to the King in Council were at this time almost unknown, and this is one of the first, if not the first of its kind so far discovered and recorded.†

In the minutes of the Council of Jamaica for May 7, 1675, we find mention of an act for liberty of conscience, followed by the statement: "other clauses about Jews . . . to be omitted,"‡ although it is not quite clear whether the statement about the Jews has reference to the act for liberty of conscience or not.

In this year (1675) we come upon the controversy about the transportation of the Jews along with the other English subjects from Surinam to Jamaica when the former country was ceded to the Dutch. As the details are mentioned elsewhere, we need only state here that while their numbers were small, their importance was such as to lead to considerable

*Couty's name has not been found among the published documents relating to the colonial history of New York, although the search has of necessity been a hasty one. A Jacob Couty, a Dutchman who furnished some colonists migrating to New Amsterdam with arms and ammunition, has been found, a fact that may indicate the place of origin of Rabba Couty.

†See article by Mr. Hazeltine on Appeals from Colonial Courts, in *Report of Am. Hist. Ass'n* for 1894, pp. 299 *et seq.*

‡*Calendar State Papers*, 1675–1676, No. 548.

discussion over the interpretation of the treaty of cession.* The Calendars of State Papers have only been issued down to this point, so for further authentic documents we must have recourse to the published laws of Jamaica.

While the act relative to naturalization is of interest,† the first act affecting the Jews directly by name is that bearing date of 1693 and levying a special tax upon them. The appeal from the hardships entailed by its provisions has already been published,‡ but the details of the act are of importance, for they put in evidence the names of the leaders of the Jewish community at that time.

This law, which was confirmed by His Majesty in Council, December 26, 1693,§ was one of the clauses of an act entitled "An Act for, and towards the Defence of this Island," made necessary by reason of the hostilities of, and attempted capture of the island by the French. Over four thousand pounds were to be raised and paid over within three months after June 10, 1693. Of this sum the Jews were to pay, in addition to the other taxes provided in the law, the lump sum of seven hundred and fifty pounds. This was to be "assessed, taxed, collected and paid in by Solomon Ararij,‖ Jacob de Leon, Moses Toiro, Jacob Mendez Guteres, Jacob Henriques,¶ Jacob Rodrigues de Leon, Moses Jesurun Cardoso, Samuel Gabay, Jacob Lopes Torres,** Isaac Coutinho,†† Isaac Nunes Gonsales and Abraham Nunes, or any five of them." It was to be paid into the hands of the receiver

* See the paper of Dr. Hollander.

† See footnote, p. 49 above.

‡ *Am. Jewish Hist. Soc. Pub.* No. 2. Documents by Prof. Gross.

§ *Laws of Jamaica.* London: Chas. Harper, 1698. See Appendix XIV.

‖ Spelt in the later act Ararii.

¶ See p. 48 above.

** See p. 51 above.

†† Moses Henriques Cotinho left Barbadoes for Jamaica, Nov. 3, 1679 (see *Pub.* No. 1, p. 108). Moses Mendes Coutinho was a printer at Amsterdam, 1695–1711 (Kayserling, *Biblioteca Española-Portugueza Judaica*, p. 40). See also *Pub.* No. 4, p. 137, footnote.

one month after June 10, 1693. In case of failure to pay as thus provided, two hundred and fifty pounds additional were to be levied upon them. Further, if any of the Jews appointed to assess the tax refused to serve, they were each to be fined one hundred pounds.* Later in the same year an additional sum of one thousand pounds was levied upon them, to be paid within one month after December 10, 1693, under a law for raising over nine thousand pounds, and under exactly similar provisions, even to the names of the assessors.†

In passing we may note the clause in an act dated 1695, providing for the erection of a free school in the parish of St. Andrew's. Along with instruction in "reading, writing, Latin, Greek, . . arithmetic, merchant accompts and the mathematiks," the scholars were to receive instruction in Hebrew—probably the earliest provision of that nature in British North America, although in subsequent acts this branch of learning was omitted.‡

In 1703, when an effort was making to induce white settlers to come to the island, a clause of an act for that purpose prohibited the Jews from holding, under penalty of five hundred pounds, any indented Christian servants. Their "deficiencies" were to be supplied "by their own nation." In case of the importation of these indented servants and a failure to sell them, the Receiver-General was to buy and pay for them, provided "that no convicts, Jews, Quakers . . or disabled persons be within the construction of this act."§

A few years later (1711), by way of further menacing the Jews, they, along with mulattoes, Indians and negroes, were

* See Appendix XIV.

† The amount to be raised was £9473 4*s.* 4*d.* The title of the act was, "An act For Raising Money as a farther aid to their Majesties, for and towards the Defence of this Their Island of Jamaica," and was made necessary by the same cause, the threatened French invasion. *Laws of Jamaica*, as in Appendix XIV.

‡ *Laws of Jamaica*. London: John Baskett, 1738, p. 67, No. 62.

§ See Appendix XV.

prohibited, under penalty, from being employed as clerks in any of the judicial or other offices created by the act.*

Relief had not been obtained from the obnoxious acts of special taxation even so late as April, 1739. The Governor, Edward Trelawney, had, a short time previously, received explicit instructions from the home government to countenance no law of that character. Yet in spite of this, he states that he was forced to append his signature to the act of that year, or else the soldiery would have suffered for lack of sufficient supplies.†

Although thus harassed in the early years of their residence,‡ their condition must have been somewhat ameliorated later on, for we find, in 1740, one Isaac Furtado acting as attorney in a case wherein a Frenchman makes claim to certain property. And in the next year Moses Gutteres is mentioned as possessing certain property condemned to be bought by the government at Port Royal to enlarge the wharf at that place.§ A Joseph Gutteres and his wife are to be found living in Orange street, Kingston, in 1753; and Jacob Gutteres, Emanuel Barruch Lousada, and Simon Phillipo are among the subscribers whose names are prefixed to the new edition of the laws of Jamaica published in Kingston in 1786.

Barbadoes.

Returning now to Barbadoes, we have already noted¶ a reference to a "gold-finding Jew" named de Pisa.** One Isaac Israel de Piso fell under the King's displeasure in

* See Appendix XVI. † From MS. in possession of the Society.

‡ See Gross's documents in *Pub. Am. Jewish Hist. Soc.* No. 2.

§ *Laws of Jamaica*, London, 1756, pp. 246–7, 248.

‖ Newspaper clipping dated Kingston, October 22, 1773, telling of his house having been struck by lightning. *De Similitre Papers*, Phila. Library. Papers relating to West Indies.

¶ See p. 48.

** Daniel Bueno Henriques, resident in Barbadoes, was granted letters of denization, July 24, 1661. See Appendix III.

March, 1665, and it was due to his failure to find the expected gold mines in Barbadoes that the Mesquita's and others, as we have seen,* were banished from Jamaica. This de Piso, further, is deprived of a gold chain previously bestowed upon him by the King, which is ordered to be returned to his Majesty. He and Aaron Israel de Piso with his two sisters and two brothers, also "Moses and his mother, sent thither by Abraham Cohen," are banished the island.†

In a document of a little later date Sir William Davidson complains that certain Jews cheated him of a considerable sum of money, for doing which they were soon ordered to leave the island, but no attention was paid to the edict, and the Jews, he says, continue to spoil the plantation trade.‡

Mention of the Jews of Barbadoes is made several times during the years 1667 and 1668. In the one case they are spoken of as treacherous, and in the other as owners of sugar works.§ On October 23, 1668, the Grand Jury of Barbadoes includes among its presentments that no Jews be suffered to retail any more goods, as they are nowhere else allowed the privilege, which is considered "extremely prejudicial to the poor of our own nation, who might be comfortably supported thereby."‖ Two months later the King in Council makes efforts to restrain the trade between the Jews of Amsterdam and those of Barbadoes, it being in contravention of the Act of Navigation,¶ and in January, 1669, he issues orders to seize the vessels laden on their account.**

In January, 1671, Moses Pereyra is made a free denizen, with the similar restriction, about taking the oaths of allegiance and supremacy, as in the cases of other Jews.†† Following this came instructions for the governor of the island,

* See p. 49.

† See Appendix XVII.

‡ December, 1668. See Appendix XIX.

§ See Appendix XVIII. *Calendar of State Papers*, 1661–1668, No. 1710.

‖ *Calendar State Papers*, 1661–1668, No. 1860.

¶ See Appendix XIX.

** See Appendix XX.

†† See above pp. 50, 51, Appendix XXI.

Lord Willoughby, to dispense with the oaths of allegiance and supremacy and to molest no man in the peaceable exercise of his religion.*

In 1673, or possibly at a somewhat earlier date, the Jews began a period of agitation for a recognition of their rights as citizens. In January of that year a bill passed the Assembly of Barbadoes granting them the privilege of giving testimony before the courts in certain cases. The Council of Jamaica was not yet ready to act upon the measure, and a Mr. Farmer was appointed by the Assembly to manage the conference for them on the subject of the "Jews act."† But their disabilities were removed the next year, when on February 18, 1674, a law was passed granting them the privilege of taking oath upon the five books of Moses in accordance with their religion, when called upon to give testimony in cases relating to "trade and dealing, and not otherwise."‡

They were not satisfied with the restriction of their right to testify in commercial cases only, and in January, 1675, petitioned for a further extension of their privileges. A week after their prayer was heard the Assembly ordered "that a law be provided according to the prayer of the petition of some of the Hebrew nation."§ On February 17 of that year the Assembly passed an act granting them the right to testify in all courts and causes.‖ This, however, probably failed to receive the sanction of the Governor and Council, for no such act is found in any of the collections of laws of Barbadoes that I have seen, and the law of 1674 given in Hall's edition¶ is mentioned as still in force in 1764.**

* *Cal. State Papers*, 1669–1674, No. 812.

† *Cal. State Papers*, 1669–1674, No. 1027. It may be stated here that a list of the most eminent planters in Barbadoes in May, 1673, contains the name of no Jew. *Ibid.*, No. 1101.

‡ See Appendix XXII.

§ *Calendar of State Papers*, 1675–1676, Nos. 411 and 419.

‖ *Ibid.* No. 438.

¶ See Appendix XXII.

** Sir R. H. Schomburgk, in his history of Barbadoes (p. 97), states that in 1680 their rights were further extended by law, although the

The extent of the Jewish settlement in Barbadoes at this time was not very considerable. The Governor, Sir Jonathan Atkins, writing in July, 1674, says there were not over thirty families "of Dutch extraction from Brazil"; many of them are very poor, but the "better sort" have become denizens; they are orderly citizens, and observe the laws except in matters of religion.*

No one familiar with the history of the West Indian colonies, particularly of Jamaica, can have failed to notice the constant fear in which the inhabitants lived of a slave uprising. In many cases the treatment of the slaves was particularly cruel, and they frequently revolted and committed horrible atrocities. Stringent laws governing the control of slaves were therefore enacted, and in 1688, when Barbadoes passed one of such a nature, the Jews residing in the seaport towns or islands, who were not denizens, were restricted to the holding of one slave apiece, under penalty of having the slaves forfeited.† The increasing importance of the Jewish community in the island led to the absolute repeal of this obnoxious clause in September, 1706.‡

In 1756 a special and extra tax of two hundred and ten pounds per annum was laid on them, apportioned so that those in Bridgetown should pay one hundred and ninety pounds of that sum, and those of Speightstown the remainder,

meaning of this is not clear, and illustrates what was said in the beginning of this paper about the vagueness of statements concerning the Jews, to be found in the general histories of the West Indies.

* *Calendar British State Papers*, 1669–1674, No. 973: "July 4/14, 1676. Barbadoes. Governor Sir Jonathan Atkins to the Lords of Trade and Plantations. . . . Not above thirty Jew families of Dutch extraction from Brazil; many are very poor, but the better sort have been made denizens; they are very quiet and submit to the Government, religion excepted. . . . As to the Anabaptists, Jews, Quakers, and other separatists, they will bury where they please and observe the rules they list."

† See Appendix XXIII. ‡ See Appendix XXIV.

a specification which indicates the localities they inhabited.* Five years later, however, this was repealed in the general law for raising revenue in the island, when it was provided that no distinction in levying the tax should be made as between Christians and Jews, all paying share and share alike.†

The Leeward Islands.

Several other documents relating to the Jews in the West Indies, in addition to those mentioned above, have been located.‡ Notably a special act designed to prevent Jews from engrossing commodities imported into the Leeward Islands, dated August 31, 1694; and the repeal of this act in 1701, on petition of the Jews, but with the proviso that in case of war they should assist in the defense of the island to the utmost of their power, and further, "behave themselves fairly and honestly . . . for the future."§ This received the royal assent and became law May 17, 1703.

No further comment need be added to the bare narration of facts recorded in the preceding pages, except to emphasize once more the case of Rabba Couty. The discovery of this man, who may have resided in New Amsterdam before its capture by the British, who probably came there from

*See Appendix XXV.

†See Appendix XXVI. A similar statement making no distinction between Christians and Jews is made in the tax law passed October 10, 1761.

‡ In January, 1671, Governor Wheeler, of the Leeward islands, was instructed to dispense with the administration of the oaths of allegiance, and to molest no man in the exercise of his religion (*Calendar State Papers*, 1669–1674, No. 398). And in a document dated July-November, 1667, narrating the capture of Cayenne, mention is several times made of the Jews there—evidence which would appear to disprove the statements that have heretofore been made that they left that place in 1664.

§ The title only of the earlier act has been found. It reads: "An act against Jews ingrossing Commodities imported in the Leeward Islands, and trading with the Slaves belonging to the Inhabitants of the same." It is dated August 31, 1694. See Appendix XXVII.

Holland, who by his own testimony and that of Governor Lovelace had all the rights of a burgher, which must have included that of holding official position, who had the misfortune to have his vessel captured and condemned to confiscation by a court of admiralty in Jamaica, but who, or whose attorney, had the extraordinary keenness to appeal from this decision to the King in Council, stamps him as a personage of no inconsiderable account. But more than this, the fact that his appeal was heard, and the decision of the court emphatically reversed with such extraordinary haste, at a time when appeals to the King were almost unknown, leads to the belief that he must have been a man of importance and influence in the community and with the Council, and to the hope that some further facts respecting him may soon come to light.

Appendix I.

[*Colonial Papers*, 1661. Vol. 15, No. 31.*]

To the Kings most Excellent Ma^tie^
The humble peticon of —— † Beniam̃ de Caseres Henry de Caseres and Jacob Fraso.

Shewing

That verie lately your Ma^tie^ was pleased to receive a letter brought for your Ma^tie^ from the King of Denmark desiring libertie and Licence for the Peticoners to live and trade in y^e^ Barbadoes & Seraman Now fforasmuch as their residence in those places will rather benefit then preiudice the Inhabitants thereof.

They most humbly pray that yo^r^ Ma^tie^ wilbe gracously pleased to indulge vnto them the favour desired in the said Letter and accordingly cōmand a Passe to be given them

And as in all duetie bound they shall pray &c.

At the Court at Whitehall the viii^th^ day of Aprill 1661.

*Unless otherwise specified the references are to the original documents in the Public Record Office, London, of which these are copies.

† *Henry* first written and then struck out.

His Ma^tie is gracously pleased to referre the Peticon to the hono^ble the Cōmissioners for Forreigne Plantacons to consider thereof and certifie to his Ma^tie what they conceive fitt to be done therein.

EDW: NICHOLAS.

APPENDIX II.

[*Colonial Papers.* Vol. 15, No. 75.]

May it please yo^r Ma^tie:

The Councell for Forreigne Plantations having received yo^r Ma^ties Reference under the hand of Secretary Nicholas, to consider of the Petition of Benjamin Caseres, and two others, doe humbly Certifie yo^r Ma^tie: That the Petition^rs appearing to bee straungers, and Jewes, are by the Act for the Improvement of Navigation forbidden to Trade vpon, or from, any of yo^r Ma^tie Plantations. And it hath been long, and often debated, and Controverted, whither it doth stand with yo^r Ma^ties Interest, and with y^e advantage of yo^r Ma^ties Collonies and of yo^r good People relatinge therevnto, to admitt the Jewes to a freedome of residing and Trading therein, equall with y^e native Subjects of yo^r Ma^tie The Judgment hereupon hath differed, according to y^e Interests of the Persons Concern'd.

The Merchants have vrg'd that the Jewes are a People soe subtile in matters of Trade, and that they, and their stocks, are soe settled in other nations, that in a short time they will not only ingrosse Trade among themselves; but will bee able to direct the benefit hereof to other places; whereas it seemes to bee the Interest of yo^r Ma^tie to keepe yo^r own Trade, especially that of the Plantations, in the hands, and management of yo^r own Subjects only; that the whole Proceeds, and Profits thereof, may flowein hither, and that the Trade of the Plantations might bee carryed on, by the expence of the Manufactures and the employment of the encrease of the Navigation of these yo^r Ma^ties Kingdomes. On the other side y^e Planters as earnestly doe vrge that the admission of

y^e^ Jewes, or any other Accession of a free Trade with other Nations, will tend exceedingly to the comfort and advantage of all yo^r^ Ma^ties^ Collonies, and consequently to the benefitt of yo^r^ Ma^tie^ and of Trade: especially if a freedom of Trade, and of Persons bee admitted, w^th^ Due Cautions and Provisions by w^ch^ it will not bee difficult to shutt out many of those Evills & inconveniencies w^ch^ the English Merchants doe pretend and crye out against, & whilst (it is said) they principally aime at the appropriating that whole Trade to themselves, and the necessitating the Planter to accept such Prices and Conditions as they shall think fitt to impose vpon them, and in the mean while the Planter paies much dearer for his Provisions, Vtensills, and Cloathing: and the growth of the Plantations doe still fall in their value, and Trade it self shrinks, and becomes less considerable; w^ch^ would bee better kept vpp and ballanced if the stocks, industrie and dexteritie of the Jewes and other Straungers were admitted among them.

The severall Argum^ts^ in these Cases, being plausible, and of greate weight, this Councell hath not thought fitt to proceed to the giveing any Judgment vpon the conveniencie or Inconveniencie of admitting Jewes into yo^r^ Ma^ties^ forreigne Collonies Butt doe humbly offer to yo^r^ Ma^tie^ that these three Jewes, that are petition^rs^ to yo^r^ Ma^tie^ may bee considered as soe many single Persons; recom̄ended to yo^r^ Ma^ties^ Grace and favour by the King of Denmark; such as have with good Testimonie from diverse of this Councell, behaued themselves well, and with generall satisfaction many yeares vpon Barbados, and such as by yo^r^ Ma^ties^ Royall Authoritie and especiall Lycence, (if yo^r^ Ma^tie^ shall thinke fitt) may bee permitted to reside in Barbados, or any other of yo^r^ Ma^ties^ forreigne Plantations without any Publick offence or Inconvenience, they duly conforming themselves to the Lawes and Government vpon the place; and such Regulation of Trade, and Com̄erce, as shall from time to time bee provided and directed by yo^r^ Ma^tie^

[Signed] PHILIP FROWDE

[Endorsed] Report from the Councill of trade concerninge Jewes in the Barbados.*

Appendix III.

[*Domestic.* Charles II. *Docquet* 1660 to 1661.]

24th of July 1661

* * * * * * * *

A Denizacon granted to Daniel Bueno Henriques Mrchant Native of Sivile in Spaine & now Resident in the Barbados, whereby he is invested wth the priviledges belonging to a free denizen. Provided, that he yeild obedience to the Lawes of this kingdome, & pay such Customes as Aliens doe. Subscr̃ by Sr Phillip Warwick vpon Significac̃on of his Mats pleasure vnder his Signe manuall. Procur̃ vt supra. [*i. e.* by Mr Secr̃ Nicholas]

Appendix IV.

[*Colonial Papers.* Vol. 15, No. 74.]

Iacob Ieosua Bueno Enriques de Nasion Ebrea q' a uiuido en Iamaicas en la Punta de cagoe cosa de dos años e en este tiempo uinieron Las Bocaines franseses de Sto Domingo e fueron a casar en la dicha Isla trugeron alcunos Prisoneros Espagnioles entre los quales truxeron vno per nombre Domingo Franº Platero Morador de dicha Isla e dicho andando libremente & la Punta de Cagoe uino a mi casa algunas ueses e preguntandole & cosas de la Isle me dio & relasion q' en vna parage auia vna mina de cobre la qual dicho Platero estaua en tiempo de los Espagnioles pº la fabricar & quante auia echio la espeiensa y la allaua buena e en este tiempo uinieron los Ingleses y tomacon dicha Isla y dicho me dio relasion de la Parage mas Io non pude ir tirar la muestra de dicha mina & quante andauan los enemigos en la

* At the foot of the first page of the original manuscript is written: "rept of Councell of Trade abt Jews in Barbados."

Campagnia en a quel tiempo en dicha Isla y tambien & no ser descubicite asta uenir a Ingalatera a tomar lisensia p° uer el modo de la fabrica e queriendo Io procurar la lisensia uino a la notisia de Melor Belemi en como Io tenia dicha relasion e me mande allamar & vn' Ebreo & nombre Manoel da Fonsecca q' sta oy en Londres en Casa del Embàgador d Espagnia & Interprete p° saber ablar la lengua Inglesa e uiste la relasion q' Io la edado e enformasiones q' tenia mias queria aser concierte con migo en q' allase vno dicha mina come era & relasion q' fuese a Iamaicas e q' su Magesta lo asia General de la America y non de Iamaicas mas q' el al Canseria de su Magesta g Io tubiese las libertades e tieras q' quisiese e q' me daria negras bastantes p° aser plantegas ho lo q' Io quisiese, e dicho Belem asia todos los gastes e me daua libre de costes el terso de lo q' se sacase I se scallasen las minas las fabricara con la misma conformida en este tiempo salio vn Aute del Parlamento en come todos los estangeros no pudiesen ir a negosiar en las conquistas de Ingalat^ra^ sin star naturalisado e tambien los mercadeles de Londres me tieron muchas petisiones p° uer q' los Ebreos q' stauan en la Tieras del Dominio de su Magesta saliesen con q' tome resolusion p° uenir uer la Italia segun la Relasion q' Io tengo si su Magesta me diese lisensia q' uaya a dicha Isla de Iamaicas a mis costes a uer si puedo descobrir dicha mina e siende q' la descubra q' la pueda fabricar ho uender dando a su Majesta dies per siente e q' las tieras q' stubiesen al Ieredor naide pueda uenir abitar en Espagnia de dusientas acas asiendome su Magesta naturalisar a mi e a mis Ermanos Iosef, e Moise Bueno Enriques e q' puedamos usar de nuestra Ley e tener Sinagogas confirmadia per el Parlamento e se su Majesty se quiese enformer de mi p̃ sona lo puol aser del General Dall e mas ofisiales q' en a quel tiempo dell Anno de 1658 he 59. Stauan en dicha Isla en como uiuia onradam^te^ Z en Iamaicas millamauan los Ingleses el Iudio franses & tener mucha comunicasion con dichos Franseses y para mas enformasion la podra dar vn Ingles & nombre Pedro

Piuo q' era Tesoreio en a quel tiempo en Iamaicas & saber q' el dicho Domingo fran° me dio la Relasion de dichas minas—&c.

Iacob Ieosua Bueno Enriq^{ez}

[Endorsed] Proposalls from a Iew Concerning a Copper Mine in Iamaica.

[Also modern] Iamaica Without Date

[TRANSLATION.]

Jacob Josua Bueno Enriques, a Hebrew, who lived in Jamaica in the Punta de Cagoe, about two years, and at this time the French buccaneers came from San Domingo, and went to hunt in the said island, and took some Spanish prisoners, amongst whom was one named Domingo Francisco Platero, inhabitant of the said island. Being set at liberty, he came several times to my house at Punta de Cagoe, and on asking him various things about the island, he informed me that there was in a certain place a copper mine, which the said Platero used to work during the time of the Spaniards, and when they had experimented with it and found it productive, the English came along and took possession of the said island. This same man informed me of the whereabouts of this mine, but I was not able to go to draw a design of the said mine, because the enemy were going into a company at that time in the island. Not being able to discover it before coming to England and obtaining permission to see the manner of manufacture, and wishing also to obtain permission, it came to the knowledge of Mylord Belemi that I was in possession of the said story, and he advised me to call on a certain Hebrew, named Manuel de Fonsecca, who is an interpreter, and is now living in London in the house of the Spanish ambassador, learning the English language. Hearing my story and all the information I could give him, he wished to act in concert with me, and

that one should find the said mine through the information given and should go to Jamaica, and that Your Majesty should make him General of America, and not of Jamaica, besides the high chancellor of Your Majesty; that I also should have all the freedom and lands that I should desire, and that I should be provided with sufficient negroes to form whatever plantations I may think fit, and that the said Belemi should stand all the expenses, and give me free of cost a third of what I should draw out. If the mines should be opened, I would work them in conformity to the above. At this time an Act of Parliament decreed that no foreigners could do any business in the conquests of England, without first becoming naturalized. In addition to this, the merchants of London made petitions to the effect, that all the Jews who were within the boundaries of Your Majesty's kingdom should be ejected. Accordingly I determined to come and see if I could not, with the information I possess, obtain from your Majesty permission to go to the island of Jamaica at my own expense, and see if I could discover the said mine, and if it should so happen that I discover it, and can work or sell it, giving to Your Majesty ten per cent.; also that of the surrounding lands nobody from Spain should inhabit more than 200 acres. Moreover, I petition that you naturalize myself, my brothers Joseph and Moses Bueno Enriques, and that we may follow our laws, and have synagogues conformable to the decrees of Parliament. If Your Majesty should wish to be informed of my character, it can be done through General Dall and other officials, who were in office at that time, from 1658 to 1659, in the said isle where I lived honorably. In Jamaica the English used to call me the French Jew, and for further information you can see an Englishman, named Peter Pino, who was a banker in Jamaica, and learn that the said Domingo Francisco gave me the information about the mines, etc.

JACOB JOSUA BUENO ENRIQU^{ez}.

Appendix V.

[*Calendar of British State Papers. Colonial Series*, 1661–1668, No. 744, p. 212.]

May 25th, 1664. Jamaica. Letter of Lieutenant Colonel Thomas, President of the Council of Jamaica, to Secretary Lord Arlington . . . . The gold-finding Jew, Senr. Abram Israel de Pisa, has sailed for England, and left here ore and directions to find the gold, but we are all infidels, because the miracle is to be wrought in our country; we believe he has really found and cured some little of vanilla and pimenta.

Appendix VI.

[*Colonial Papers.* Vol. 18, No. 79.]

To the Kings most Excell Ma^{tie}

The humble Petiĉon of Benjamin Bueno De Mesquita of the Portuguiz Naĉon Merchant now Resident in the Isle of Jamaica.

Sheweth

That whereas by a late Act of Parliament made in the 12th yeare of yo^{r} Ma^{te} Raigne, yo^{r} Pet^{r} as a forraigner, is prohibitted from tradeing in those yo^{r} Ma^{te} Plantaĉons to his vtter ruine he haueing all his Estate there; And yo^{r} Pet^{r} being of an humble dutifull & loyall affeĉĉon, to yo^{r} Ma^{tie} & yo^{r} interest, & ready & willing to take y^{e} oath of Allegiance.

Most humbly prayes yo^{r} Ma^{tie} will be gratiously pleased to Grant him yo^{r} Lres Pattents, for the makeing of him yo^{r} Ma^{te} Free Denizen, & because of his now absence, the Pattent may be so drawne, that he may there take the Oath of Allegiance, before whomsoeuer yo^{r} Ma^{tie} shall please to appoint.

And he will euer pray &c.

At the Court at Whitehall June 23, 1664.

His Ma^{ty} is graciously pleased to referre this Petiĉon to

M^r^ Attorney Grall, to consider of y^r^ request and certify his Ma^ty^ what he thinkes fitt for his Ma^ty^ to doe in it. And then his Ma^ty^ will declare his further Pleasure.

HENRY BENNET

May it please your Ma^t^

In obedience to your Ma^ties^ referrence vpon this Petic̃on I have considered thereof and doe humbly conceaue that your Ma^ty^ may legally make the Petic̃on^r^ a Free Denizen by your Lett^rs^ Patents if you bee soe graciously pleased w^th^ a provisoe in the Lett^rs^ Patents that they shalbe of noe aduantage to him vntill he hath taken the Oath of Allegiance before some person authorised by your Ma^ty^ to giue him the same

5° July 1664. W^ch^ is humbly submitted &c.

G PALMER

[Endorsed] The Petic̃on of Benjamin Bueno De Mesquita.

[*Warrant Book*, Dec. 19, 1662, to May 8, 1675, or *Domestic Entry Book*, Chas. II, Vol. 14, p. 58.]

To the Governor Jamaica. Beginning as the former Letter* vntill you come to these words. The forementioned vndertaking or otherwise. The names of the Jews vpon this Our Island of Jamaica are Beniamin Bueno de Mesquita with his two sons, Abraham Cohen, Jacob Vlhoa, Abraham Suarez: The rest of that Confederacy not here named who received benefit from our forementioned Patent the said Sir William Davidson will hereafter notify vnto you. . . .

APPENDIX VII.

[*Colonial Entry Book*. Vol. 110, page 7.]

Solomon Gabay Faro
& David Gomes Henriquez
recom̃ended to S^r^ Thomas Modiford
Tr. & Welb^d^. Wee greet you well.

*See Appendix XVII.

Whereas Salomon Gabay Faro and Dauid Gomes Henriquez, two Aliens borne, are by Our late Lres Ptents made free Denizens of Our Kingdome of England, to have, receiue & enjoy all —— priviledges & imunities as other free Denizens doe And whereas some considerable Merchants Our Subjects (who suppose it may be for the benefit of y^e^ Colony) haue humbly desired Our Lres Recommendatory unto you on y^e^ behalfe of y^e^ forenamed 2 psons; Wee are graciously pleased to condescend unto y^t^ y^r^ request; and do accordingly hereby Recomend y^e^ said Salomon Gabay Faro & D. G. H. unto you, y^t^ as long as they behaue themselues well and fairly, you suffer y^m^ & either of y^m^ to remaine upon y^t^ Our Island of Jamaica and to trade there, w^th^ freedome & w^thout molestacon, & y^t^ upon any lawfull occasion you afford y^m^ all just fauour & assistance. And so Wee bid you farewell. Given &c Iuly 3^d^ 1668.

By his M. cd

To Our Tr. & Welb^d^ Sir Thomas Modyford Bar^t^ Gouernor of Our Island of Jamaica

W. M.

Appendix VIII.

[*Calendar of British State Papers. Colonial*, 1669–1674, No. 570, p. 234.]

June 22nd, 1671. Whitehall. Warrant to the Clerk of the Signet. To prepare a Bill to pass a Great Seal for making Abraham Espinosa, of Jamaica, merchant, an alien born, a free denizen of England; with a clause that he shall have no benefit thereof until he has taken the oaths of allegiance and supremacy before the Governor or Deputy Governor of the island.

Appendix IX.

[*Ibid.*, No. 697, pp. 298–300.]

Dec. 17, 1671. Jamaica. Sir Thomas Lynch, Governor of Jamaica, to Secretary Lord Arlington. The Spaniards

carried into St. Jago one of our ketches from New York, wounded some of the seamen, robbed all and then dismissed her; but she has had harder measure here, for being a Jew's, the merchants informed against her, and she was condemned for a foreigner, though the vessel, master, seamen and goods were English. Sent Mr. Slingesby a petition of divers merchants against the Jews, but he supposes they will not be expelled, for there are but 16 without patents of naturalization, and in Lynch's opinion his Majesty cannot have more profitable subjects than they and the Hollanders, for they have great stocks and correspondence: are not numerous enough to supplant us, nor is it to their interest to betray us. Cannot find any but Jews that will adventure their goods or persons to get a trade. Hopes we shall do as much as will keep up the credit if not enrich the island by keeping the peace and obliging them. Possibly they may come to connive at some little underhand trade, whereby they get more than we.

Believes it may be better than a public and open trade which would infallibly destroy that we have with Spain. But should it be impossible to steal into any kind of correspondence with them, yet conceives it against the island's interest to make war. . . .

What falls heaviest on them is the blasting of their cocoa; fear most of the old trees will die as in San Domingo and Cuba; yet hopes to pick up a few nuts for the King and his Lordship, with a bunch or two of vanillas; and hopes to send his Majesty some off his own land, for he is sending a Jew to the inland provinces where the vine grows to see whether he can cure any.

Appendix X.

[*Ibid.*, No. 777, p. 340.]

Mar. 10th, 1672. Jamaica. Sir Thomas Lynch, Governor of Jamaica, to the Council for Trade and Plantations. Long since begged orders about the Jews and Hollanders

that came to plant, whom he considers it is the interest of the island to encourage, as they have great stocks, no people, and aversions to the French and Spaniards.

Appendix XI.

[*Colonial Papers.* Vol. 28, No. 63.]

To the Right Honorable S^r^ Thomas Lynch K^nt^ his Mat^ies^ Leif^t^ Gouerno^r^ & Comander in cheife of this Island of Iamaica, & Vice=Admirall to his Royall Highnesse the Duke of Yorke &c.

That whereas yo^r^ Hono^rs^ Pet^rs^ haue to their great Content & Satisfacc̄on observed y^e^ infinite Care yo^r^ hono^r^ euer since yo^r^ comeing hither hath beene pleased to take, To incourage those y^t^ Adventure to this Island, & to remove all those thinges w^ch^ might in y^e^ least hind^r^ or obstruct y^e^ Advantage of his Mat^ies^ good Subjects, Soe y^t^ being fully satisfied & assured, That yo^r^ Hono^rs^ Care reaches & respects not onely p̣sons, But likewise y^e^ int'rest of yo^r^ poore Pet^rs^, Wee are imboldened to informe yo^r^ Hono^r^ of those p^r^judices & inconveniences, w^ch^ Doe not onely at p^r^sent Accrue to us, But Likewise more & more doe Threaten vs; & y^e^ infinite Number of Iewes w^ch^ daylie resort to this Island & Trade amongst, contrary to all Law, & Policy; There being a possitive Act of Parliam^t^ w^ch^ giues a generall proscripc̄on to y^m^ all, & since y^t^ severall others haue beene made, to forbidd Possitively any Aliens to sell any thinge by retayle, & vnless it bee Three or foure amongst y^m^ Whoe haue obtained their L^rs^ of Denizac̄on the others ought to bee respected & vsed as Aliens, they haueing hitherto onely Traded vnder y^e^ coull^r^ & Countenance of y^e^ rest.

The great mischeife w^ch^ wee suffer by y^m^ is, That their Tradeing is a perfect Monopoly, For they are a kind of a Company, & Trade w^th^ a joynt Stocke, Whereby they allwaies Co̅mand ready money, & by y^t^ meanes doe not onely allwaies buy y^e^ choicest & best goods, but frequently whole

Cargoes, & if yo^{r} Hono^{rs} Pet^{rs} haue at any time a share wth y^{m} They will certainely vnd^{r} sell y^{m} though to their owne Loss, w^{ch} They can better beare because of their penurious way of Liueing; But by these Arts at last they gaine Excessiuely, & giues y^{e} whole measure to y^{e} Trade themselues, & if y^{e} Ballance should bee Continued there, How much all y^{e} English M^{r}ch^{ts} (& indeede y^{e} whole Island) will in a short time suffer, may Easily bee app^{r}hended.

Yo^{r} Hono^{r} haueing vissited in yo^{r} Trauells y^{e} most Considerable Tradeing Cittyes & places in Europe &c. Cannott but bee Sencible of these Truthes; And how this sorte of People doe Ingrosse to y^{m}selues the whole Trade where they are, w^{ch} must needs bee y^{e} same in a place of soe smale a Trade as this, & where there is such a Number of y^{m}.

And wee doe further begg yo^{r} Hono^{rs} leaue to make this farther Remonstrance of o^{r} Comp^{lt}, That y^{e} great Inducem^{t} of o^{r} removeing of o^{r} selues hither, was the Princely care his Mat^{ye} did allwaies take of y^{e} peopleing & setleing of his American Collonies & for y^{e} better doeing of itt, hath seemed to intend, That y^{e} whole profitt & benefitt of those places should bee reaped by his owne Subiects; w^{ch} Intenc̃ons & designe very much app^{rs} in y^{e} Acts of Navigac̃on, But more cleare & plainely by those severall Treaties of Com̃erce, & Trade, w^{ch} his Ma^{ty} has lately establish't amongst his Neighbours.

And wee doe Humbly beseech yo^{r} Hono^{r} to Consider further, That, These persons remoued y^{m}selves hither from none of his Ma^{ties} Dominions, Meerly invited by their Lucre & designe, & what assurance can there bee of their fidelities, who liue vnder noe obligac̃on of Duty & Alleigance, & can never bee supposed to regard or p^{r}serue Either of y^{m} any long^{r} then their owne private int'rest & Advantage Leads y^{m} to it.

And Although their Tradeing amongst vs makes a noyse, & seemes to giue some kind of Creditt & reputac̃on to y^{e} Island; Yet y^{e} Kingdome of England receiues noe benefitt,

because All their Merchandises are brought Directly from Holland where they will againe (certainely) Transport y^m^selues, w^th^ all y^e^ Gayne & Advantage They shall haue made of this place, & how much y^e^ Island wilbee Drayned by That, & all his Ma^ties^ Subiects suffer in it, may Easily be apprehended & foreseene.

Premisses being therefore Considered, Yo^r^ Pet^rs^ doth Humbly Pray, That y^r^ Hono^r^, & Honorable Councell, will please onely to allow those y^t^ are Tollerated to Trade by his Ma^tye^ by wholesayl, & not by retayle, As all of them at present doe, & forbidd y^e^ remainder, According to y^e^ wholsome Lawes of England in y^t^ case, made & prouided.

And yo^r^ Pet^rs^ shall euer,

Pray &c:

[Signed] Tho: Skutt, Henry Standish and twenty-nine others.

[Endorsed] The Originall Petition of the Merchants at Port Royall to S^r^ Tho Lynch concerning the Jews. &^c^.

Read in Councill. 11^th^ June. 1672.

B. A
P. (8)

[also] The Humble
Petition of the M^r^chants
of
Port Royall

Appendix XII.

[*Colonial Entry Book.* No. 94, p. 97.]

To the Kings most Excellent Ma^tie^

The Opinion and humble advice of your Ma^ties^ Councill of forreigne Plantations.

May it please your Ma^tie^

Vpon perusall and Consideration of several Letters Peti-

tions and Complaints, sent and delivered vnto vs, concerning the affaires of your Ma^ties^ Plantations in America

Wee have in Discharge of our Duties, and for the better Setling and securing the Trade and Navigation of your Ma^ties^ Subiects, and your Interest in those Resolved, and doe humbly offer vnto your Ma^tie^ for your Consideration, the Propositions following

First In Relation to Iamaica That for the better setling and Improoving of your Ma^ties^ Island of Iamaica, due Encouragement may be given to the Iews, the Dutch, and other Nations to settle and inhabite there.

* * * * * * *

The 2^d^ of Iuly, 1672

H Brouncker

Rich Gorges

Jo Finch

Ed Waller

H Slingesby Secret^y^

Silius Titus*

Io Evelyn

Appendix XIII.

[*Colonial Papers.* Vol. 29, No. 50^II^.]

Co^ll^ Lovelace Certificate

The Govern^rs^ Seale

Francis Lovelace Esq^r^ One of the Gentlemen of his Ma^ties^ Hono^ble^ Privy Chamber and Governour Generall under his Royall Highnesse Iames Duke of Yorke, and Albany &^c^ of all his Territoryes in America. To all to whome these presents shall come sendeth, Greeting

Whereas the Bearer hereof Rabba Couty hath for severall yeares lived and trafficked as a Merchant in their Citty, and Province, and hath also been subject to pay Scot and Lott

*Sic for *Silas.*

as a Burgher of this Citty, And hee being now bound from this Port to the Island of B^r^bados in the Ketch Tryall. These are to require all persons within this Governement, and to desire all others that they permitt and Suffer the said Rabba Couty to passe from this place in the said Ketch Tryall whereof William Merrett is Master, together with the goods, Passengers, Shipps Company, and Merchandize unto the said Island of Barbados, or Parts adjacent within his Ma^ties^ Dominions, and to returne againe to this Port about his Occasions without any manner of Lett, hindrance, or Molestation whatsoever.

Given under my hand and Seale at Fort James in New Yorke this 16^th^ day of August in the 23^d^ yeare of his Ma^ties^ Reigne Annoq. Domiñ 1671.

FRANCIS LOVELACE

Recorded by Order of y^e^
Governour
MATTHIAS NICOLLS. Secret^y^

B G
P. 3.

[Endorsed] *Couty* 16^th^ August 1671
Coll. Lovelace Certificate 31 Entered

[*Ibid.*, No. 50^r.]

Copy of y sentence of Condemnacon ab^t^ Rabba Couty's Vessell.

Pleas & Proceedings of y^e^ High Co^r^t of Admiralty by vertue of a Com^n^ from y^e^ honoble S^r^ Thomas Lynch Kn vice Admirall to his Highness James Duke of Yorke held before y^e^ hono^ble^ W^m^ Beeston Esq^r^ Cheife Iudge of y^e^ same Court y^e^ 23^d^ day of Novemb^r^ 1671 Port Royal

Bee itt remembred y^t^ at this Co^r^t holden before y^e^ hono^ble^ W^m^ Beeston Esq^r^ Cheife Iudge of his Ma^ty's^ High Court of Admiralty established for this Island came Edmund Ducke Esq^r^ Attorney Gen^r^all of our Sou^r^aigne Lord y^e^ King who as Jamaica loco sigill.

well for y^e^ right hono^ble^ y^e^ Governo^r^ of this Island y^e^ honoble Leiftennant Coll Robert ffreeman as for our said Soveraigne Lord y^e^ King & exted his Libell ag^t^ y^e^ Ketch Tryall Rabba Cuty Master as also ag^t^ her Gunnes furniture Tackell amuniĉon & apparell And as also against all her Lading goods & comodity's whatsoeu^r^ in her imported And setteth forth that by an Act of Parliam^t^ made in y^e^ twelveth yeare of the reigne of our said Lord y^e^ King that now is intituled an act for y^e^ Encrease of shipping & Encouragem^t^ of y^e^ Navigaĉon of this Naĉon Itt is there Enacted That from & after y^e^ first day of December 1660 and from thence forwards noe goods & Co̅moditȳes whatsoeu^r^ shall be imported into or exported out of any Lands Islands Plantaĉons or Territory's vnto his Mātye belonging or in his poſſion or which may hereafter belong vnto or be in the poſſion of his Ma^tye^ his heires or Successo^rs^ in Assia Affrica or America in any other Shipp or Shippes Vessell or Vessells whatsoeu^r^ butt in such Shipps or Vessells as doe truely w^th^out fraud belong only to the people of England or Ireland Dominion of Wales or Towne of Berwicke vpon Tweede or one of them built of & belonging to any of the said Lands Islandes Plantaĉons or Territories & right Owners thereof & whereof y^e^ Ma^r^ & three fourth parts of y^e^ Marriners thereof att y^e^ least are English vnder y^e^ penalty of y^e^ forfeiture & losse of all the Goodes & Comodity's which shall be imported into or exported out of any the aforesaid places in any other shipp or Vessell as also of y^e^ ship or vessell w^th^ all itts Gunns, furniture, tackle, amunition & apparell. One third part thereof to his Ma^tie^ his Heires, and Successors. One third part thereof to the Governour of the Land, Plantation, Island or territory where such default shall be Committed in case the said Ship or goods be there seized otherwise that part also to his Ma^tie^ his Heires, and Success^rs^ and the other third part to him or them who shall Seize, informe, or sue for the Same in any Court of Record, by Bill information, Plaint &^c^. where noe protection, or Wager of Law, Essoigne &^c^. to be allowed

Now the said Edmund Duck further setteth forth that the said Rabba Couty did since the said first day of Decembr in the said Act Lymmited import and bring into the Said Harbr. of Port Royll in this Island of Jamaica, the said Ketch the Tryall laden with Commodityes, when the right Owners of the said Ketch were not English, Nor the Master, and three fourths of the Mariners English which is contrary to the said Act. Wherefore the said Edmund who as well for our said Soveraigne Lord the King, as for the said Governour of this Island, and the Honoble Lt Coll. Robert Freeman humbly desireth of this Honorable Court, That the said Rabba Couty, or any other Pretender to the said Ketch, and her lading may be Cited to appeare when this honoble Court shall appoint And that the said Act be putt in Execution, and Judgement Given, as well on the behalfe of Our Soveraigne Lord &c. as the Case shall require &c.

Whereupon the said Rabba Couty being Cited, and upon reading the said Libell, It being demanded by the Court, what hee the said Rabba Couty had to say for himselfe why the said Ketch Tryall with all her Tackle, and furniture, as also her lading in her according to the Act of Parliament in that case, made, and provided, should not remaine forfeited as aforesaid.

It then plainly appearing to the Court by the Confession of the said Rabba Couty, that hee was noe Denizen, and that two thirds of the said Ketch was his owne, and most part of her lading in her.

The Court did thinke fitt thereupon to proceed to Judgement Whereupon It is adjudged by the Court, that as well the said Ketch with all her Tackle, furniture, and Apparell, as also her ladeing, and Cargo in her shall bee, and remaine, and are hereby forfeited, according to the Act aforesaid in such Case made and provided.

In testimony whereof wee have Caused the Great Seale of the High Court of Admiralty to be hereunto affixed.

As Witnesse Reginald Willson Esq[r] Register of the Same Court.

REGINALD WILSON

Ex[d] pme

Couty
23[d] Novemb[r] 1671
[Endorsed] Coppy of the Sentence of
Condemnation about Rabba
Couty's Vessell

B. G.
P. 2.

[*Colonial Papers.* Vol. 29, No. 50.]

To the Kings Most Excellent Majestie.

The humble Petition of Rabba coutÿ Marchant.
Most humbly showing

That yo[r] petitioner hath liued in y[e] Prouince and cittey of New Yorke, as one of yo[r] Majesties Subjects these maney years, and hath paid Scott and Lott, and is a burger of y[e] cittey; That hee had a passe from Collonell Louelace gouerne[r] Generall under his Royall Highnesse, certifieing as much, dated at fort Iames in new Yorke the 16: August 1671: and y[e] Said gou[r] did in y[e] Said passe moreouer under his hand and Seale giue unto the Said Rabba Couti yo[r] petitioner License to Traffique in y[e] Ketch, called y[e] Tryall to y[e] parts of y[e] West Indies within yo[r] Maj[ts] dominions that hee in confidence of y[e] Validitey of y[e] Said passe and knowing himselfe to bee your Maj[ts] Subject & Liegeman did Sayle with his Said Shipp and Lading to Iamaica where at Port Royall his Ship was confiscated by a Sentence of William Beeston, esq[r] chiefe Iudge of y[e] Admiraltie upon colour of an Act of Parliament entituled an Act for y[e] encrease of Shipping &c: upon pretence that your petitioner was not Denizen; Although hee had formerly traded to Iamaica without Suffering aney molestacon, upon that pretence and

that hee is informed by his councell learned in the Law, that besides his trading bene fide, in confidence of y^e^ Validitey of his passe, and his hauing traded freely in former tyme which ought in equitey to protect him from being utterly undone upon a puntillo in Law, which hee could not foresee: hee is further informed, that in Stricknesse of Law, Territories that accrue by acquest and Soe become Subject to a prince doe enjoy the priuiledges of Natiues and y^tt^ it was So held by all the learned Councell and Iudges of England in y^e^ grand Argument about y^e^ Postnati all which the Judge of y^e^ Admiraltie there not knowing or not weighing as hee ought to haue done condemned y^e^ said Ship and Lading by his Sentence bearing date 23: of Nouemb^r^ 1671: which Sentence the gouernour S^r^ Thomas Linch Seemed to bee doubtfull about, and Shewed much compassion to yo^r^ petitioner as appeares by a note under his hand and told him y^tt^ if hee could procure upon his addresse to yo^r^ Maj^te^ a word from yo^r^ Maj^te^ by y^e^ Secretarye of State in his fauor, hee the Said Gou^r^ would cause yo^r^ petitioners Ship to bee restored to him and did then order him some money for to beare his charges into England. The Said Shipp and goods hauing binn condemned without a court of Record, neither by Sentence of a Iury as y^e^ Law Requireth Soe y^tt^ yo^r^ Petitioner cann make out y^e^ Losse aboue £1200, as appeares, by y^e^ Shipp and goods y^e^ Same being Vallued to £300, and y^e^ goods were not Sold according to Law, but were deuided amongst they as were the Iudges, whome made themselues Proprietors. Your petitioner thought it good, to Returne to new yorke first and bring with him besides his Resaid passe further certificates under y^e^ Gouernour Collon^ll^ Louelaces hand and Seale manifesting his innocency and the Truth of his allegaćons, which hee hath Readey to produce; Hee doth moreouer humbly represent to yo^r^ Maj^te^ that all the Ships loading was prouision of Victualls, w^ch^ in all cases, haue a particular fauour aboue other Marchandize upon tender consideraćon of

the Premises and that hee is vtterly undone hauing nothing to Liue upon, but y^e^ charitey of well disposed people, the Said Ship and Lading being all the Greatest part of his Substance, his most humble petition to yo^r^ Majestie is that you would bee graciously pleased to putt y^e^ Truth of his Allegacions in Such a Sum̄ary way, of hearing and examinac̃on before yo^r^ Maj^ts^ Councell of Plantac̃ons, that hee may haue some order to ye gouerno^r^ of Jamaica for y^e^ Restoring of his Ship and goods, which is according to the inclinac̃on of y^e^ Gouernor though himselfe bee concerned in the Share of the Forfeiture And though hee thought not fitt to ouer rule the Rigouor'os and mistaken Sentence by his owne Authoritey yett did incourage yo^r^ Petitioner to make his humble addresse to yo^r^ Maj^te^. which hee now doth, imploring yo^r^ Maj^ts^ compassion in affording him Speedey Reliefe &c.

And as in Duty bound
hee shall euer pray

At the Court at Whitehall Nov^r^ 15^th^ 1672

His Ma^ty^ compassionating the pet^r's^ condic̃on is graciously pleased to referre his request to the Councill of trade & plantac̃ons to examine the pet^r's^ Allegac̃ons & report to his Maj^ty^ What they conceave he may fitly doe for his releefe, & upon their report his Ma^ty^ Will declare his further pleasure.

ARLINGTON.

[Endorsed] *Couty* petic̃on
Rabba Couty.
read in Councill the 20^th^. of
Novemb^r^ 1672.
Bundle. G
Paper. 1.
Enterd. Book. D.

[*Ibid.*, No. 50III.]

Coll Lovelace's Certificate

The Gover^{rs} Seale

Francis Lovelace Esq^{r} One of the Gentlemen of his Ma^{te} Hono^{ble} Privy Chamber and Governour Generall under his Royall Highnesse James Duke of Yorke and Albany &^{c}. Of all his Territorys in America,

Doth by these presents declare and Certify at the request of M^{r} Rabba Couty, that the Ketch Tryall in the which hee went to Jamaica, and was there condemned and Confiscated, was an English built Vessell, and that the Master, and Mariners were likewise English, or Soe many of them as are required to Sayle according to the Act of Navigation And also that the said Rabba Couty hath been for severall yeares a Free Burgher of this Citty, wherein hee hath been lyable unto, and likewise hath paid Scott, and Lott as other Freemen of the place have done.

In testimony whereof I have hereunto sett my hand & Seale att Fort James in New Yorke on the Island of Manhatans this 14th day of May in the 24th yeare of his Ma^{t} Reigne Annoq. Domini 1672.

FRANCIS LOVELACE.

To all whome these may concerne.

The Names of the Master, and Saylers

W^{m}. MERRITT Master.
Jo^{n} GEFFRAYES Mate.

Couty.

[Endorsed] 14 May. 1672. Coll. Lovelace his Certificate B. G P. 4

Jo^{n} WILSON
Jo^{n} FAYRECLOTH
GEORGE SPURRE
GILBERT ——
Jo^{n} ATKINS

} Mariners.

Enter

[*Ibid.*, No. 50[IV].]

Copy of the Report from the Councill to his Ma[ty] ab Rabba Coutys Vessell.

To the Kings most Excellent Ma[tie]

May it please your Ma[tie]:

In obedience to your Ma[ties] Order of Reference of the 15[th] of Novemb[r] last, requiring Us to examine the Petition, and Allegations of Rabba Couty Merchant, relating to a Ketch called the Tryall, which being Laden with Provisions from New: Yorke, and belonging to the said Rabba Couty was seized upon at Iamaica, and was with her whole lading and furniture condemned by a Sentence of the Court of Admiralty there, Wee humbly Certify,

That Wee have perused an Exemplification of the said Sentence, under the Seale of the said Court bearing Date the 23[d] of Novmb[r] 1671, and being informed that the person who gave the said Sentence in the said Court of Admiralty, (who is one Captaine Beeston then Commander of the Assistance Frigat) was himselfe here in Towne. Wee sent to speake with the said Beeston, whome having likewise heard, Wee doe from what appeares by the sayd Sentence itselfe, and what Wee have been informed from the said Captaine, Iudge the said Sentence to be grounded on a presumption that the said Rabba Couty beihg not an Englishman, but a Iew was for this cause to be accompted a Forreigner, And therefore in as much as it was confessed by the said Rabba Couty that the said Ketch with her Lading did belong unto himselfe, The said Captaine Beeston did Condemne the sayd Ketch under pretence of its being forfeited to your Ma[tie]: by Vertue of the Act of Navigation.

Although by a passe or Certificate produced by the said Rabba Couty under the hand and Seale of Collonell Francis Lovelace his Royall Highnesse Governour of New: Yorke, and dated at New: Yorke the 16[th] of August 1671. Wee

find the said Governour Testifyeth, that the said Rabba Couty had for severall yeares lived, and trafficqued as a Merchant in the said Citty, and had also been Subject to pay the Dutyes there as a Burgher of the sayd Citty.

And further by a Letter written from S^{r} Thomas Lynch your Majesties Lieutenant Governour of Iamaica bearing date the 28th of November. 1671 (which was suddainly after the said Sentence) and directed to Henry Slingesby Esq^{r} Secretary of your Majestyes late Councill for forreigne Plantations, wee perceive that the said S^{r} Thomas Lynch doth speake of the said Sentence as what Seemed hard to him, and the more in regard as hee informes that both the said Ketch was English built, and that the Master and Mariners of the said Ketch were all English.

Besides which the said Rabba Couty hath produced before Us also a 2^{d} Certificate under the hand, and Seale of the said Coll. Lovelace, dated at New: Yorke the 14th of May 1672. wherein the said Collonell testifyeth that the said Ketch was an English Built Vessell and that the Master, and Mariners were likewise English, or soe many of them as are required to sayle the said Vessell according to the Act of Navigation, And further attests

That the said Rabba Couty had been for Severall yeares a free Burgher of the said Citty, and had paid the same Dutyes, that other Freemen of the said place had.

Upon the Consideration of which severall Certificates, And that the said Rabba Couty being an Inhabitant, and free Cittyzen of your Majestyes Plantations, is as we humbly conceive according to y^{e} sayd Act to enjoy y^{e} Benefitt of a free Denizen.

And for as much as the said Sentence appeares not to be grounded upon any Reason or proofe to the contrary,

Wee are humbly of Opinion that the said Sentence, and proceedings in the said Court of Admiralty were undue, and illegall, And that the said Vessell with her furniture and provision, or the vallew of it, ought to be restored to the said Rabba: Coutÿ.

All which is neverthelesse humbly submitted to your Majesty.

20th Decemb 1672.

ARLINGTON.
ROB. LONG.

SHAFTESBURY C.
W. ALINGTON
HUM: WYNCHE
EP WALLER
J. EVELYN.

[Endorsed] *Couty*
Coppy of the Report from this Councill to his Matie about Rabba Couty's Vessell.
Agreed the 20th Decembr 1672. and delivered to the Earle of Arlington. 21th

[also] Report 1
To the Kings
B G demand
P. 5 demands Satisfac
Entered

[*Domestic Entry Book*. Chas. II, Vol. 31, fo. 101 d.]

C. R.

Sr. Tho. Lynch

Tr. &c. Whereas Wee have been informed by the humble peticon of Rabba Couty Mercht that a certaine Ketch called the Tryall loaden With provisions from Newyorke & belonging to him Was some time since seized att Jamaica, & With her Whole lading & furniture condemned by a sentence of the Court of Admiralty there, under pretence of its being forfeited to us by Vertue of the Act of Navigacon on a presumption that the sd Rabba Couty being not an Englishman but a Jew Was for this cause to bee Accounted A forreigner: and Whereas the sd Rabba Couty did further represent unto us that he had been for severall years an inhabitant & free

burgher of the s^{d} Citty Of Newyorke, & paid the same duties as other freemen of the s^{d} place, & therefore humbly besought us that the s^{d} Ketch her lading and furniture might bee restored to him: Wee having referred the examinacon Of this matter to Our Councill for trade & Our forreigne plantations, & being Well satisfied With their report & opinion that the s^{d} Rabba Couty ought according to the s^{d} Act to enjoy the benefitt of a free denizen upon the consideracon of his being an inhabitant & free Cittizen of one of Our plantacons, & consequently that the s^{d} sentence & proceedings in the s^{d} Court of Admiralty Were undue & illegall: Have thought fitt & doe accordingly by these presents signify Our pleasure to you & Strictly require you forthwith upon receipt hereof to give all necessary Orders for the restoring of the s^{d} Ketch With her furniture & provision (or the Vallew thereof att the time of its seizure) to the s^{d} Rabba Couty or his Order, And soe expecting y^{r} exact & speedy complyance herein With Our pleasure Wee bid you heartily farewell. Given &c. Whitehall Dec^{r} 22th 72.

By &c.

ARLINGTON.

APPENDIX XIV.*

[*Laws of Jamaica.* London: Charles Harper, 1698, pp. 5–10.]

"An Act for, and towards the Defence of this Island.

. . . . . .

AND be it further Enacted and Ordained . . . that the Nation and People of the *Jews* Residing within this Island, Pay or cause to be Paid, towards the Raising of the said Sum of Mony before mentioned, and expressed to be Raised on the Inhabitants of this Island, over and above and besides the Tax as aforesaid Assessed, the full Sum of Seven Hundred

The Jews.

* Title: The Continuation of the | Laws | of | Jamaica, | passed by the | Assembly, | and Confirmed by | His Majesty | in | Council | December 26th, 1693, etc.

and Fifty Pounds, Currant Mony of this Island, to be rated, Assessed, Taxed, Collected and paid in *by Solomon Aravij, Jacob de Leon, Moses Toiro, Jacob Mendez Guteres, Jacob Henriques, Jacob Rodrigues de Leon, Moses Jesurun Cardoso, Samuel Gabay, Jacob Lopes Torres, Isaac Coutinho, Isaac Nunes Gonsales* and *Abraham Nunes*, or any Five of them, into the Hands of the Receiver or Receivers hereafter mentioned, Impowered and Appointed to receive the same, at, or within One Month after the Tenth day of June, which will be in the year of our Lord One Thousand Six Hundred Ninety Three, anything herein to the Contrary notwithstanding. And in Case of failure in the Compliance of the said Payment,

Case of Failure.

Be it further Enacted . . . that the Sum of Two Hundred and Fifty Pounds more, besides the said Seven Hundred and Fifty Pounds above appointed to be Assessed on the Nation and People of the *Jews* abovesaid: That then it shall and may be Lawful for the Treasurer or Treasurers hereafter to be appointed by Warrant or Distress, under his or their Hands and Seals, Directed to the Constable or Constables for the respective Parishes where such *Jew* or *Jews* reside, to Levy or singly cause to be Levyed at Discretion upon the several Jews, Inhabitants of this Island, such proportional Sum or Sums as shall make up the Sum of One Thousand Pounds as aforesaid. And also if any of the *Jews* Rated or Assessed by the Persons above named, shall refuse to Pay the said Sum by them so Assessed: That then it shall and may be Lawful for the respective Justices in their respective Parishes, or within the Commission of the Peace for the same, where the said *Jews* reside, for so much as any of the said Jews are Assessed and Rated by the Persons abovesaid, who are hereby Impowred to Issue out their Warrant or Warrants to the respective Constables, to Distrain any of the goods and chattels of any of the said *Jews* that shall refuse or delay to pay the same; any Law, Custom or Usage to the Contrary notwithstanding.

And be it further Enacted, that if the several Persons, or any of them of the Jewish Nation beforementioned, Impowered and Appointed to assess, levy, collect and pay in the aforesaid Sum, assessed upon the Nation of the *Jews*, shall neglect his or their Duty therein: that then it shall and may be Lawful for the Governor or Commander in Chief by Warrant under his Hand and Seal, . . . to Levy or cause to be Levied on all and every Person or Persons so Offending, One Hundred Pound currant Mony of this Island, or the value thereof upon his or their Monies, Slaves, Goods or Chattels, and sell the same by Publick Outcry, returning the Overplus, if any be, to the Owner; and in Case no Mony, Slaves or Goods are to be found as aforesaid, that then he take into Custody the Body of the Person or Persons so offending, and him or them in safe Custody keep, until he or they Pay the said Sume of One Hundred Pound for the said Offence; any Law Custom or Usage, or anything in this Act seeming to the Contrary notwithstanding."

Later in the same year, *An Act for Raising Money as a farther Aid to their Majesties, for and toward the Defence of this Their Island of Jamaica*, was passed, worded exactly in all respects as the one given above, except that it provided that the Jews be taxed one thousand pounds, to be paid within one month after December 10, 1693, with similar penalties for non-payment. This act was to raise £9473 14s. 4d. (*Laws of Jamaica, ubi supra*, pp. 66–67). The two acts above given were enacted at different sessions of the Assembly.

Appendix XV.

[*Laws of Jamaica.* London: John Baskett, 1738, pp. 99, 100, 101.]

"An Act to encourage the Importation of White Men. 1703, No. 113.

. . . . . .

XIII And be it further enacted . . . That all Jews that are or shall be hereafter Masters or owners of Slaves within

this Island, shall supply their Deficiencies by their own Nation, or by hired white Christian Men, and not by indented Christian Servants, under the Penalty of Five Hundred Pounds current money of this Island."

Paragraph VIII of this same act, which stipulates that in case servants are imported but are not disposed of after a stated time, the Collector or Receiver-General is to receive the servants and pay for them, provides further "That all such Servants, be not under the Age of Fifteen and not above the Age of Forty Years; and that no Convicts, Jews, Quakers, sick, decrippled or disabled Persons be within the Construction of this Act."

Appendix XVI.

[*Laws of Jamaica.* London: John Baskett, 1738, p. 141.]

1711, No. 166. "An Act for Regulating Fees.

. . . . . .

§ CCLXXIII. And be it further enacted . . . , That no *Jew*, Mulatto, *Indian*, or Negro, shall be capable to officiate or be employed to write in or for any of the above Offices upon any Pretence whatsoever," under penalty of £100, half to go to His Majesty and half to the informer.

Appendix XVII.

[*Warrant Book*, Dec. 19, 1662, to May 8, 1675, or *Domestic Entry Book*, Chas. II, Vol. XIV, p. 57.]

To the Lord Willoughby

Concerning the Jewes in y^e^ Barbados

Right Trusty & welbeloved Wee Greet you well.

Whereas Certaine Jewes hereafter named have vnder pretence of a Gold Mine within some of our plantations in y^e^ West Indies and their Ability to discover and improve the same fraudulently induced vs to make them free Denizens of our Kingdome of England with power

to trade Every where, as our Native Subiects doe; And Whereas besides their abusing vs thereby, they have also very much wronged and damnified Our Trusty & welbeloved Servant S^r^ William Davidson K^nt^ and Baronet Gentleman of our Privy Chamber in Ordinary, drawing him to great expences and falsifying their Oathes and promises made vnto him, as Wee are informed: Wee have therefore thought fit to declare Our pleasure concerning the said Jewes, that their Patent of Denization so obtained from vs is and shall be esteemed and held as Void and frustrate to all intents and purposes, and that they shall not have or receive any benefit thereby, but Contrarywise that you cause them and every of them to make good Strangers Customes vnto vs (so far as the same may be recovered) for all the goods wherein they have traded vpon Our Island of Barbados since they had Our said Patent and then to be banished off Our said Island never to reside or trade their againe without our Expresse and particular Order on that behalfe: And our further pleasure is, that before such their banishment or dismission, you oblige and cause them or some of them to satisfy the said S^r^ Williā Davidson or his Correspondents (whom hee shall appoint and signify vnto you in Writing) All the disbursements which hee shall make appeare hee hath layed Out for & vpon them in regard of their Transportation And the forementioned vndertaking or otherwise. And Whereas for their encouragement in the foresaid Work, Wee were pleased to bestow a Gold Chaine vpon One of them, Isaac Israel de Piso now residing vpon the Barbados, Our pleasure is, That you cause the same to be taken out of his Custody and returned to vs againe, such false and faithlesse persons bein altogether vnworthy to beare or retaine any such Mark of Our Royall favour. The names of y^e^ Jewes vpon that Our Island of Barbados are the said Isaac Israel de Piso, Aaron Israel de Piso with his two Sisters, and two brethren Moses and his Mother Sent thither by Abraham Cohen; The rest of that Confederacy not here

named who receive benefit from Our forementioned Patent, the said Sir William Davidson will hereafter notify vnto you, But all y^e^ particulars above Specified Wee recōmend to your Especiall care, expecting an accompt thereof; And so Wee bid you heartily farewell.

Given at Our Court at Whitehall the first day of March 1664 in the Seventeenth yeare of Our Reigne.

By his Ma^ties^ Cōmand

To our R^t^ Trus: & welbeloved

Francis Lord Willoughby of Parham Capt. Generall & cheife Governour of Our Islands called the Carybe Islands in the West Indies or to y^e^ Cōmander in cheif of Our Island of Barbados for y^e^ time being.

Appendix XVIII.

[*Calendar British State Papers. Colonial.* 1661–1668, No. 1657, p. 530.]

Observations on the Island of Barbadoes. December (?), 1667. . . . The Jews not having like liberty as in the Dutch and French islands, have been very treacherous, discovering when the English were to embark against the French and Dutch and in the matter of the relief of Antigua; but the constant egress and regress of strangers there being seldom fewer than 60 or 70 sail of ships, not only deceives the Jews but the most ingenious inhabitants judge they are stronger than really they are.

Appendix XIX.

[*Colonial Papers.* Vol. 23, No. 99.]

My Lord

I Heaue your Ex. most acceptable of the 13 instant which came yesterday first to my Hand thincking Strange wher it his beene so long for the Post ashured me that it was Put in his Hande the 20 instant I Heaue caused make all the

tryall I cane for thoes Scheps at my being at Amsterdam the lest weeck I gote tryall of two that ware ready to sate Saill for His Ma^{tys} Plantationes to witt one M^{r} Retchard Bread keap of London M^{r} of the Schep caled the Matheu and Frances of London of Borden 300 ton or therabouts fully lodent for the accompt of the Iews of Amsterdam for the Barbados the Iews of Amsterdam Hes a grate trade for the Barbados wher they cheated me of a considerable Soume of money in the year 1662 & 1663 for the which His Ma^{ty} was Pleased to give order to my Lord Willoughby to banish them of those Islands as your Ex: may see by this inclosed which was at that time Sent and Put into the hands of My Lord Willoughby for execution ther of, bot to this day nothing at all doone in the busines for they Heaue grate freedome and liberty in the Barbados and caries on a grater trade ther nor Very feu in England does, it Seems they are ritch and hes much money which makes them to be the better looked upon, ther is also at Amsterdam one other Schep named Sara and Mary 270 ton of bordine lodent for the Barbados for English and dutch mens accompts leiving at Amsterdam the Masters name is Edward Kirton junior of London they are nou booth Parted from the texell ther Heaue beene Severall other Scheps goeing that way this maney years bygone and still does with English and Yrish Passes Ther is a Persone at Amsterdam who hes promised me to get me one Perfect list and accompt of all the Scheps that hes comd and gone that way since the Peace was concluded at Breda, which when I Heaue they shall be send your Ex: the Ieus of this Country Spoyels all the trade ther in the Plantationes.

In the time of the late war the King was graciously pleased to give me a licence for Six Scheps for those Islands I made bot ouse of one of them and finding I could do no good by that I retorned them all back againe to my Lord Arlington Presently after the Pace was concluded at Breda Heauing nothing else to enlarge bot where in I can do your

Ex: aney acceptable Service I shall be found willing to Pouer to remane

Your Ex

Most Afecionat
and humble Servant
WILLIAM DAUIDSON

Dordrecht the 22 of
Decemb 1668 [Signed]

[Addressed]

A Son Excellence
Monseigneur Temple
Ambassadeur Pour Sa May^te^
Le Roy de la Grande Bretagne
Etc. aupres Mes^is^ les Estats
Generaulx des Prouinces unies
A La
Haye

[Endorsed]

S^r^ Dauidson to S^r^ W Temple
R. 20. Dec. 68

Sir William Dauidson's
letter concerning the
trade of these Country's
to his Majesty's Plantations

Read in Councill. 23^d^ D^r^ 1668

[*Ibid.* No. 98.]

At the Court at Whitehall
the 23^th^ of December 1668.

By the King's most Excellent Ma^tie^ & y^e^ Lords of his Ma^ties^ most Hono^ble^ Privy Councill.

Vpon reading this day at the Board a Letter directed to S^r^ William Temple his Ma^ties^ Ambassado^r^ to the States Generall of y^e^ Vnited Provinces, wherein Informacon is given of two Shipps, viz^t^, the Shipp Mathew & Frances of London Richard Bread Master Burthen 300 Tunns bound for Barbados vpon the Account of the Iews at Amsterdam, As likewise the Shipp Sarah & Mary Burthen 270 Tunns Edward Burton Juñ of London Master Laden for the Bar-

bados on English & Dutch mens Accounts liveing at Amsterdam, which are now passed from the Texell on their intended Voyage, It was therevpon Ordered (his Ma^tie^ p^r^sent in Councill) That the Right Hono^ble^ the Lord Arlington his Ma^ties^ Principall Secretary of State, do Write to the Lord Willoughby Governo^r^ of the Caribbee Islands, or in his absence to his Lieutenant or Deputy Governo that he seise the said Shipps, or any other that shall come to Trade in any of his Ma^ties^ Plantations vnder his Comand from any Forraigne parts contrary to the Act of Navigation.

EDW: WALKER

[Endorsed] Dec. 6$\frac{8}{9}$
Ord^r^ for a Lett^r^ to L. Willoughby
to prohibite y^e^ Jews trading thither
from Amsterdam &c.

APPENDIX XX.

[*Calendar British State Papers. Colonial.* 1669–1674, No. 3, p. 2.]

Jan. 13^th^ 1669. The King to the Governor of Barbadoes. To seize the Mathew and Francis of 300 tons, Rich. Bread, Master, and the Sarah and Mary of 270 tons, Edw. Burton, junr., Master, laden in the Texel, upon the account of several Jews and others at Amsterdam, immediately they arrive in any port under his Government, and to proceed with rigour against them according to the late Acts of Navigation. Drafts by Williamson.

APPENDIX XXI.

[*Ibid.*, 1669–1674, No. 387, p. 154.]

Jan. 13^th^ 1671. Whitehall. Warrant to prepare a Bill for Moseh Pereyra of Barbadoes, merchant, to be a free denizen of England, but with a clause to have no benefit until he has taken the oaths of allegiance and supremacy before the Governor or Deputy Governor of the island.

Appendix XXII.

[*Laws of Barbadoes.* London: Richard Hall, 1764.]

An Act appointing how the testimony of the People of the Hebrew Nation shall be admitted in all Courts and Causes.

No. 61 Preamble.

Whereas His sacred Majesty hath signified his Royal pleasure that all persons of the Hebrew nation residing in this Island, that are made free Denizens, may be admitted to give their Testimonies on their Oaths, in all Courts and Causes, in such manner and form, as the religion of the said Hebrews will admit: Be it therefore enacted and ordained by his Excellency Sir Jonathan Atkins, Knight, Captain General and Chief Governor of this, and other the Caribee Islands, the Council and Assembly of this Island, that all such Persons of the Hebrew nation as reside in this Island and are Men of Credit and Commerce, shall from henceforth be freely admitted before all Judges, Justices and other Officers in all Courts and Causes whatsoever, relating to Trade and Dealing, and not otherwise, to give their Testimony upon their Oaths, on the five books of Moses, in such manner and form as is usual, and the religion of the said Nation doth admit.

Jews resident, that are men of credit and commerce, admitted to their oaths on the five books of Moses, in all Courts and Causes relative to Trade and Dealing, and not otherwise.

Read and passed the Council and consented to by his Excellency 18th February, 1674. Edwyn Stede (Deputy Secretary)

Read and passed the Assembly Nemini Contradicente, February 17, 1674. John Higinbothan (Clerk of the Assembly)*

*This form of attestation is quite unusual in the collections of the laws of Barbadoes. Most of the laws have only the date of their final passage attached. The editor of this collection states in a footnote that this act was never printed in any former edition of the laws, "though it appears from the face of the Record, to be in force,"—that is, was still in force in 1763-4.

Appendix XXIII.

[*Ibid.*, pp. 119–120.]

An Act for the Governing of Negroes.

. . . . . .

And in regard the Planters necessity doth compel them for the management only of their Lands, to keep so vast a stock of Negroes and other Slaves, whose desperate lives and great numbers become dangerous to them, and all other the Inhabitants; that therefore such who are not bound up by that necessity, in having Plantations of their own, or hired Land, may not increase the danger to this Island, by keeping Negroes or other Slaves to hire out to others. Be it therefore enacted . . . that no person of the *Hebrew* nation residing in any Sea-port Town of [*sic*] Island, shall keep or employ any Negro or other Slave, be he Man or Boy, for any use or service whatsoever, more than one Negro or other Slave, Man or Boy, to be allowed to each of the persons of the said Nation, excepting such as are denizened by His Majesty's Letter Patent, and not otherwise, who are to keep no more than for their own use, as shall be approved of by the Lieutenant Governor, Council and Assembly: And if any Negro, Man or Boy, more than is before allowed by this Act, shall be found three months after the publication hereof, in the custody, possession or use of any of the persons aforesaid, then every such person or persons shall forfeit such Negro or other Slave; one moiety of the value thereof, to whomsoever shall inform, and the other moiety to his Majesty to the use in this act appointed. No. 22. Clause XVII.

. . . . . .

Passed August 8, 1688.

Appendix XXIV.

[*Ibid.*, p. 166.]

An Act to repeal a Clause in an Act, entitled "An Act for the governing of Negroes."

Whereas by certain Clause in an Act, intitled, "An Act No. 168. Preamble.

for the governing of Negroes, dated the eighth day of August, in the year of our Lord God, One thousand six hundred eighty and eight. It is enacted, "That no person of the Hebrew nation," [etc., etc., as in Appendix XXIV]; as by the said Clause in the said Act may appear: But forasmuch as the said Nation inhabiting here, are become considerable Traders, and in order to carry on the same to advantage, as well of the Public as of themselves, are obliged to employ a greater number of Negroes or Slaves, then [*sic*] were at the time of making the said Law thought necessary. Be it therefore enacted, and it is hereby enacted by his Excellency, Sir Bevill Granville, Knight, Her Majesty's Captain General and Governor in Chief of this Island, the Honourable the Members of Her Majesty's Council, and the General Assembly, and by the authority of the same, That the said Clause be, as it is hereby repealed, annulled and declared void, to all intents and purposes whatsoever. And that it shall be lawful for every person of the said Nation to employ as many Negroes and other Slaves, as they might legally have done, if no such Clause had never been in force; anything in the said Clause, Act, or any other Clause, or Act, Custom, or Usage to the Contrary, in any wise notwithstanding.

Clause I. Jews may employ as many Slaves as they might have done, if no such Clause had ever been in force.

Passed September 30, 1706.

This Act is totally omitted in all the former Editions of the Laws of *Barbados*.*

Appendix XXV.

[*Ibid.*, p. 382.]

No. 210. An Act for raising a sum of Money yearly to defray the Expenses of the Government.

. . . . . .

And to the end that the Nation or People, called *Jews*, dwelling in this Island, may also bear a just proportion of

* This concluding sentence is in the form of a note by the author.

this Tax: Be it enacted by the Authority aforesaid, That the said Nation or People, shall some time between the first day of *May*, and the said first day of *July*, in every year during the continuance of this Act as aforesaid, pay to the said Treasurer, the sum of two hundred and ten pounds current money of this Island, that is to say, the *Jews* dwelling in *Bridge* Town, shall pay the sum of one hundred and ninety: and the Jews dwelling in Speight's-Town, the sum of twenty pounds, over and above their Levies on Negroes, Mills, Kilns and Houses; to be equally rated and adjusted by the respective Vestries of the said Towns wherein the said Jews dwell, in like manner, upon the like oath, and under the like penalty for all persons offending, as is hereinbefore appointed, upon the Assessment of all other the Inhabitants of the several towns of this Island."

Clause III. Between the first day of *M* and the first of *July* annually, during the continuance of th Act, the Jews Bridge Town pay 190 *l.* and those in Speight's Tow 20 *l.* above all other Levies: be equally rat by the Vestri of the said Towns, in like manner as directed by th preceding Clause.

. . . . . .

Passed August 31, 1756.

N. B.—This levy was in addition to the general taxation as provided in the bill.*

Appendix XXVI.

[*Ibid.*, p. 428.]

An Act for discharging the suspension of the payment of the present fifteen penny Levy; and also for raising an additional Levy on the Inhabitants, to answer the exigencies, as well as the current expences of the year. No. 223.

. . . . . .

And to the end all Owners of Houses in the respective Towns of this Island, as also the able Traders, Inhabitants and Persons keeping Offices or executing any gainful Trade or Profession therein, as well Christians as Jews, who shall by the respective Vestries be deemed capable of paying any Tax, may be proportionably rated, according to their several abilities, without any imposition for being of the Hebrew Nation; . . .

Passed October 8, 1761.

* Note by the editor.

Appendix XXVII.

[*Acts of the Assembly of the Leeward Islands*, 1690–1705. London: John Baskett, 1740, pp. 12–13.]

An act to repeal a certain Act against the Jews.

No. 25. Confirmed 17 May, 1708.

Whereas there was an Act passed at a meeting of the General Council and General Assembly sometime since held at Antigua, intituled *An Act against Jews ingrossing Commodities imported in the Leeward Islands, and trading with the Slaves belonging to the Inhabitants of the same;* bearing Date the last Day of August, One thousand six hundred ninety-four.

II. And whereas by their humble Petition directed to his Excellency the present Governor in Chief of all your Majesty's *Charibbee Leeward* Islands in America, and to the Gentlemen of the General Council and General Assembly now met at Nevis, have set out their many and great Grievances sustained by reason of the said Act, praying Relief in the Premisses, and also promising a due Obedience for the future to the Laws of *England*, and these your Majesty's Islands, relating to Trade, and Preservation of the same.

III. And forasmuch as the said Act hath proved of pernicious Consequence to the *Jews* residing in these Islands; therefore, for their Encouragement to assist and defend your Majesty's said Charibbee Islands with the utmost of their Power, Strength and Ability, in case of a War, and to behave themselves fairly and honestly amongst us for the future.

IV. We your Majesty's most dutiful and loyal Subjects, the governor in Chief of all your Majesty's Charibbee Leeward Islands in America, the General Council and General Assembly now met at Nevis, do pray your Most Excellent Majesty to enact and ordain, and be it, and it is hereby enacted and ordained by the Authority aforesaid that the said Act, intituled [as above] shall be, and is hereby abrogated

and repealed, and all and every Clause thereof, and declared from the Date of these Presents null and void to all Intents and Purposes whatsoever, as if the same had never been made; the said Act, or any other Act, Law, Custom or Usage to the contrary notwithstanding.

Dated at Nevis, the 10th of December, and thirteenth year of his Majesty's Reign, Anno Domini one thousand seven hundred and one.

THE NATURALIZATION OF JEWS IN THE AMERICAN COLONIES UNDER THE ACT OF 1740.

By Dr. J. H. Hollander, *Johns Hopkins University, Baltimore, Md.*

At the first scientific meeting of the American Jewish Historical Society, held at Philadelphia, December 15, 1892, Hon. Simon W. Rosendale called attention to the act of 13 Geo. II, c. 7 (1740), permitting the naturalization of Jews in the American colonies. The text of this act was printed in full in No. I of the *Publications*, and the suggestion was made by Judge Rosendale, in an introductory note, that an examination of the records of the Commissioners for Trade and Plantations in London might result in the discovery of the names of Jewish colonists who had availed themselves of the benefit of the act. Accordingly, a year ago, the present writer, then planning to spend the summer in England, informed the secretary of the Society of his intention while in London to examine the archives of the Public Record Office, with this object in view. Soon after arriving, he learned incidentally that this had already been performed, at the suggestion of Hon. Oscar S. Straus, by the distinguished president of the Anglo-Jewish Historical Society, Mr. Lucien Wolf. Mr. Wolf generously placed the results of his search at the disposition of the present writer. It seemed best, however, to proceed independently, in order to permit collation and verification of results. This was actually done, and Mr. Wolf's list was found correct in almost every detail. To Mr. Wolf is thus due both the pleasure of priority and the credit of exact research.

It seems proper to add that ten years earlier (September 12, 1883), attention was called to the significance of this act

of 1740 by Rev. Dr. B. Felsenthal of Chicago, in a letter addressed to Judge Charles P. Daly, LL. D., upon the occasion of the latter's address at the laying of the corner-stone of the Hebrew Orphan Asylum in New York City. The letter and the reply it elicited are appended by Mr. Max J. Kohler to his edition of Judge Daly's *The Settlement of the Jews in North America* (pp. 154–161), and will be referred to hereafter.

I.

Prior to the reign of James I, it was possible for a Jew to acquire civil status in Great Britain in the same manner as any other alien, viz. by naturalization by act of Parliament. The act of 7 James I, c. 2 (1610) directed against the Roman Catholics, had the collateral effect of excluding Jews from the privilege of naturalization, by providing that all persons thereafter to be naturalized should receive the sacrament within one month before the bill for their naturalization was exhibited. In 1675 this requirement was slightly relaxed by a statute which provided that any foreigner who should engage for three years in England, Wales, or Berwick, in hemp, flax or cotton cloth manufacture, should, upon taking the oaths of supremacy and allegiance before two justices of the peace, enjoy all privileges of natural-born subjects.

A statute of greater significance was the act of 13 George II, c. 7 (1740), with which we are here concerned. It was passed in the further interest of trade and colonization, and extended freedom of naturalization to foreigners residing seven years in the American colonies who should take the oath of abjuration, make the declaration of fidelity, and receive the sacrament. Neither special act of Parliament nor attendance in London was necessary. The person seeking naturalization merely took the required oath and paid to the secretary's office of the particular colony in which he resided a record fee of two shillings, in return for which he was granted a certificate

which served as a complete naturalization paper. The secretary of each colony was required annually to transmit to the office of the Commissioners for Trade and Plantations in London a list of all persons who had entitled themselves to the benefit of the act. Such lists were to be "duly and regularly entered by the said Commissioners in a Book or Books to be had and kept for that Purpose in the said Office, for publick View and Inspection as Occasion shall require."

The provisions of particular significance for our purpose are contained in sections II and III of the statute. In the former of these, "such who profess the Jewish Religion" are specifically exempted from the necessity of receiving the sacrament as a qualification for naturalization; in the latter the same persons are allowed to omit the phrase "upon the true faith of a Christian" in taking the oath of abjuration.

The bill when first proposed seems to have attracted little attention, and to have encountered no opposition from the public at large. This was doubtless in large part due to the fact that the word "Jews" did not appear in the title. Its legislative history was likewise uneventful. Pelham in 1753 declared that it "passed through both Houses without the least opposition."* The formal records show that leave to bring in the bill was granted in the Commons on November 30, 1739, *nemine contradicente*.† On January 29, 1740, it was sent to the Lords, where it seems to have been subjected to more careful discussion and to have received some slight amendments, to which the Commons assented. The measure passed on February 15, 1740, and received the royal assent on March 19, 1740.‡

The operation of the act occasioned as little opposition as its passage. In 1753, Pelham, in the speech already referred to, asserted that the act of 1740 "has now subsisted for several years without causing the least murmur among the

*Cobbett, *Parliamentary History*, vol. XV, p. 143.
†*Journal of House of Commons*, vol. XXIII, p. 394.
‡*Journal of House of Lords*, vol. XXV, pp. 453, 459, 461, 487.

people." Other testimony of the same character is available.* Not until 1753, and then only as an incident of the reaction which followed the passage of the "Jew Bill" of that year, was the act of 1740 threatened.

The popular hostility excited by the act of 1753, and judiciously nursed by the opposition, attained such dimensions† that soon after Parliament reconvened in the following year, a bill was passed repealing the naturalization act of 1753. Encouraged by the repeal of the act of 1753, an attempt was now made to effect the repeal of the earlier statute of 1740.‡

On November 19, 1753, Mr. George Cooke moved, after the reading of the Act of 1740, for an address to the Crown to cause lists to be laid before the House, of the names of persons professing the Jewish religion who had since June 1, 1740, entitled themselves to the benefit of that act.§ It was so ordered, and on November 22, Lord Dupplin, from the Commissioners for Trade and Plantations, presented to the House a copy of the names as ordered, compiled from the

* See Martin's speech, p. 107 below.

† The storm of popular disapproval which swept over all England upon the passage of the act of 1753 is graphically described by Walpole: "The whole nation found itself inflamed with a Christian zeal, which was thought happily extinguished with the ashes of Queen Anne and Sacheverel. Indeed, this holy spirit seized none but the populace, and the very lowest of the clergy. Yet all these grew suddenly so zealous for the honor of the prophecies that foretell calamity and eternal dispersion to the Jews, that they seemed to fear lest the completion of them should be defeated by Act of Parliament, and there wanted nothing to their ardor but to petition both Houses to enact the accomplishment. The little Curates preached against the Bishops for deserting the interests of the Gospel; and aldermen grew drunk at county clubs in the cause of Jesus Christ, as they had used to do for the sake of King James"—Walpole, *Memoirs of George II* (ed. Holland), vol. I, pp. 357, 358.

‡ Cobbett, *Parliamentary History*, vol. XV, pp. 162, 163; Walpole, *Memoirs of George II*, vol. I, p. 364 *et seq.*; Coxe, *Memoirs of the Pelhams*, vol. II, p. 297 *et seq.*

§ *Journal of House of Commons*, vol. XXVI, p. 845.

lists transmitted by the secretaries of the several colonies. The copy was read by title and ordered to lie on the table "to be perused by members of the House."*

On December 4, Lord Harley and Sir James Dashwood moved for the formal repeal of the Act of 1740. Reports of the interesting debate which ensued have been preserved, and it seems worth while to append these in some fulness:

"Martin, the West Indian, opposed the motion in a speech of wit. He said this act had been made 13 years ago; had occasioned no clamor then, nor since. Foreigners would begin to think that there was no combustible material left in England but these poor Jews. One hundred and eighty-five have taken the benefit of the act. He had been so idle, he said, as to read all the pamphlets and papers on the late act, and must pronounce that no subject ever occasioned the spilling of so much nonsense. That America can only be peopled by foreigners, unless you would drain your own country, over and above those valuable colonists, the transported."

"Sir Roger Newdigate spoke for the last moved repeal. Nugent ridiculed it and said that if once the principle was admitted there would be no stopping. Why have 130 Jews been naturalized in Jamaica, and none in Barbadoes? Because three parts of the former are desert, and no part of the latter. Would you drive them out of the desert? Spanish Jews are the most proper because they can best support the climate. That noble pirate, the Knight of Malta, says, make perpetual war with perpetual enemies; so says the Inquisition—imitate them, and you will only have your Mediterranean trade. Then break with those who league with the enemies of your religion, as Spain does with Denmark. But no; you have done what you meant to do. Stop here: a Christian knows no perpetual enmity. The most prosperous, happy man here has the best chance for the

* *Journal of House of Commons*, vol. XXVI, p. 850.

next world. They who make these clamors now smile with us; if we gave way, would laugh at us."

"Sir John Bernard made a short, bad speech and went away."*

"Mr. Pelham said: 'To repeal the Plantation Act will be to tell the people we repeal this law not because it has made but because it ought to have made you uneasy. To part with those who hold our wealth will be to divest ourselves of our strength. To pay attention to mere clamor will produce the most serious consequences; but a repeal will revive the intolerant principles of the High Church, which have produced such pernicious effects, and encourage that spirit, which can only be gratified while it is thundering for its essential anathemas.'"

"Mr. Pitt spoke with still more energy than Mr. Pelham. 'I did not expect,' he observed, 'that this would have been the first return for the recent condescension of parliament. A stand must be made or our authority is at an end. I consider the recent clamor to be a little election art which has been judiciously humored. The bill was not a toleration, but a preference given to Jews over other sects. My maxim is, not to grant more consideration to the church than it actually enjoys; for if a High Church spirit should revive, the fate which threatens the Jews to-day will menace the Presbyterian to-morrow, and the country will be agitated by a septennial church clamor. We are not to be influenced by laws passed before the Reformation. Our ancestors would have said, "A Lollard has no right to inherit lands." We, on the contrary, do not fear to indulge Jews. They are not likely to become great purchasers of land, for they love their money and can employ it to much better advantage in trade.'"†

At the conclusion of debate the question was put, on the same day, December 4, 1753. A division of the House

*Walpole, *Memoirs of George II*, vol. I, pp. 364–366.

†Coxe, *Memoirs of Pelham*, vol. II, pp. 297, 298; cf. also Walpole, *Memoirs of George II*, vol. I, pp. 366, 367.

resulted in 88 in favor of repeal and 208 against.* This decisive verdict placed a quietus upon all further agitation, and the act continued in operation until the course of historic events rendered unnecessary the British naturalization of American colonists.

During the period of its operation, the Act of 1740 thus afforded an easy means of complete naturalization to Jews resident for a period of seven years or more in the American colonies. A distinguished writer on American Jewish history, Hon. Charles P. Daly, has stated that under the provisions of this act "naturalization could only be obtained by applying for an Act of Parliament."† This view would certainly seem to be erroneous. Not only is the text of the statute explicit, but the actual operation of the measure makes it certain that no special Act of Parliament was necessary. Judge Daly cites Smollett's *History of England* in verification or illustration of his contention. It seems hardly necessary to add that Smollett is a secondary source, and that his narrative is here inexact and garbled.

II.

The names transmitted by the colonial secretaries to the Commissioners of Trade and Plantations in London, as the persons naturalized under the provisions of the Act of 1740, are contained in two quarto vellum bound volumes of some two hundred and sixty pages each (of vol. II only 14 pages are filled), lettered "Names of Persons Naturalized in His Majesty's Plantations in America." The volumes are preserved in the Public Record Office, and are indexed: "Colonial Office Records, (Board of Trade) Plantation Journal, Vol. 59, 60."

As contemplated by the act, three classes of persons were naturalized under its provisions—(1) Jews, (2) Quakers and (3) other aliens. The first two classes were exempted from the

* *Journal of House of Commons*, vol. XXVI, p. 861.

† *The Settlement of the Jews in North America* (ed. Kohler), p. 157.

necessity of receiving the sacrament. Pennsylvania Germans furnished the largest quota of the third class, and indeed aggregate probably several times as many as all the other names together. Almost all the entries from Jamaica are of Jews. The total number of Jews recorded is 184. These are specifically described as "Jews" or "persons professing the Jewish religion," or bear distinctively Jewish names. To this number might be tentatively added 5 names, the correctness of including which in this category is uncertain. The aggregate of 189 names is distributed as follows:

Jamaica	151,	of which 1 is doubtful.
New York	24,	
Pennsylvania	9,	of which 1 is doubtful.
Maryland	4,	" " 3 are "
South Carolina	1,	
Total	189,	of which 5 are doubtful.

We have no means of ascertaining to what extent, if any, persons were naturalized under the act in the colonies without the fact thereof being transmitted to the commissioners in London. Possible error in the selection of Jewish names from the Commissioners' record would perhaps be avoided by comparison with the list laid before the Commons in 1753, referred to above.* It has, however, been impossible to discover this list. The Journal of the House of Commons † records that "the said copy is preserved amongst the other papers of this session," but it is not contained in the printed sessional papers. Mr. Lucien Wolf speaks confidently of having seen it, but was unable to recall in what particular connection. Search and inquiry by the present writer in the British Museum, the Public Record Office and the Journal Office of the House of Commons were unattended with success.

In the debate upon the repeal of the act in 1753, Martin spoke of 185 Jews having availed themselves of its benefits.

* P. 106.

† Vol. XXVI, p. 850.

and Sir Roger Newdigate added that 130 of these were from Jamaica.* These statements were of course based upon the list of names then before the House. Bearing in mind that persons were naturalized after 1753, these statements indicate a substantial but not entire agreement of the earlier compilation with that here appended.

Of the one hundred and eighty-nine entries, one hundred and eight are dated between 1740 and 1743, and one hundred and forty-four between 1740 and 1746. Few names, Jewish or other, occur in the volumes after 1761, and this fact, together with their occurrence in non-chronological order, throws a possible doubt upon the correctness of the dating of the 9 names ascribed to Jamaica in 1762. The precise distribution in time of the one hundred and eighty-nine names is as follows:

1740.....53	1748..... 8
1741.....19	1749.....14
1742..... 6	1750..... 6
1743.....30	1752..... 2
1744..... 7	1755..... 2
1745.....11	1757..... 1
1746.....18	1762..... 9
1747..... 2	Undated..... 1

III.

A List of Persons that have intituled themselves to the Benefit of the Act (13 Geo. II) for Naturalizing such Foreign Protestants and Others therein mentioned as are settled or that shall settle in any of his Majestys Colonies in America. Extract of Jewish names.

Jamaica.

Tuesday the 25th Day of November, 1740. *Persons professing the Jewish Religion.* Vol. I, fol. 21.

Jacob Mendes Gutteres
Benjamin Bravo
Isaac Fuertado
Moses Martius

*See above, p. 107.

Abraham Ribiero	D^{el} M^{z} Da Costa
Moses Lopes Heneriques	Isaac Ramalho
Jacob Pinto Brandon	Moses Cohen Delarha
David Bravo	Aaron Lamera

Thursday the 26th Day of February, 1740. *Persons professing the Jewish Religion.*

Elias Fernandes Corche	Jacob Da Silva
Moses Alvares Corche	Ab^{m} Laguna
Aron Dias Fernandes	Jacob Fernandes Mesquitta
Jacob De la Penha	Benj^{n} Rodrigues Gabriel
Jacob Gutteres Penha	Joseph Abrathar
Solomon Mendes	Daniel Dovalle
Jacob Lyon	Isaac Henriques Sequira
David Torres	Is^{l} de la Penha
Henriq. Israel	Moses Rodrigues
Isaac Henriques Campos	Isaac Fernandes, Pr^{ll} [*Portu-*
David Salom	Rap^{l} Mendes *gal*]

Vol. I, fol. 22.

Tuesday the 2d Day of March, 1740.

Rachaell Cardosa . . . A person professing the Christian Religion

Tuesday the 26th Day of May, 1741. *Persons professing the Jewish Religion.*

Abraham Henriques Sequira	Abraham Lopez Henriques
Solomon Curiel	Jacob Lopez De Crasto

Tuesday the 25th Day of August, 1741. *Persons professing the Jewish Religion.*

Isaac Nunez Da Costa	Phinelias Mattos
Daniel Alves Fernandes	Isaac Devalle
Isaac Lopes Prette	Jacob Nunez Da Costa

Tuesday the 24th Day of November, 1741.

Jacob Brandon	Leah Soares
Joseph Soares	Rebecca Pennea
Monashe Ribas	

Wednesday the 24*th Day of February,* 1741.

Moses Alvares

Wednesday the 26*th Day of May* 1742.

David Mendez
Joshua Gomez Silva

Wednesday the 1*st Day of September,* 1742. *Persons professing the Jewish Religion.* Vol. 1, fol. 23.

Rodriques Moeda

Wednesday the 1*st Day of December,* 1742.

Daniel Da Silva
Daniel Cardoza

Wednesday the 23*rd Day of February,* 1762.

Jacob Pereira Mendes
Esther Pereira Mendes
Esther Da Costa Alvaringa
Leah Ramalho
Rachael Alvaringa
Rachael Da Costa Alvaringa
Sarah Sanches
Moses Ladesma
Isaac Gomes Silva

Friday the 31*st Day of May,* 1743.

Abraham Nunez Da Costa
Leah Martins
Sarah Cardoza
Leah Cardoza
Rachael Oroibo Furtado
Sarah Nunez
Rachael Henriques
Moses Alvares Correa
Jacob Laguna, Jun^{r}
Moses Levy
Isaac Henriques Cuna

Thursday the 30*th Day of August,* 1743. *Persons professing the Jewish Religion.* Vol. 1, fol. 24.

Moses Nunez da Costa
Isaac Campos Almeyda
Jacob Lopes Henriques
Hannah Lopes Riz

Tuesday the 29*th Day of November,* 1743.

Isaac Mendes Cunha
David Fernandes
Joseph Alvares Corche
Jacob Cordoso
Rachael Cordoso
Joshua Nunez
Abigail Mendes

Tuesday the 28th Day of February, 1743.

Sime Mendes
Rebecca Laguna
Sarah Lopes Henriques
Rachael Lopes Henriques
Henry Levy
Rema Torres
Abraham Dovall Saldana

Friday the 1st Day of June, 1744.

David Valentia
Abigall Valentia

Tuesday the 27th Day of November, 1744. *Persons professing the Jewish Religion.*

David Da Silva Fles

Tuesday the 26th Day of February, 1744. *Persons professing the Jewish Religion.*

Jacob Nunes Henriques
Ab^{m} Roiz Cardozo
Abigail Fernandez
Abram De Campos, Sen^{r}

Tuesday the 27th Day of August, 1745. *Persons professing the Jewish Religion.*

Moses Nunes Henriques
Esther Lopes Pereira
Judith Orobio Furtudo
Rice Vega
Rachel Henriques
Esther Salom
Isaac Rodriques Miranda
Elias Lazares
Esther Pinto Brandon
Rica Campos Almeyda

Thursday the 27th Day of February, 1745. *Persons professing the Jewish Religion.*

Solomon Abrahams

Thursday the 27th Day of May, 1746.

Moses Aguilar
Solomon Saldana

Tuesday the 26th Day of August, 1746. *Persons professing the Jewish Religion.*

Abraham Sanches
Moses Roderiques
Esther Mendes
Judica Da Silva

Benjamin Sanches
Gabriel Mendes
Moses Per[a] Da Costa
Rachel Fernandes Pereira
Rica Da Silva
Rachel Mendes
Judith Mendes
Esther Mendes

Wednesday the 26th Day of November, 1746.

Rachel Lopez Depais

Tuesday the 24th Day of February, 1746. *Persons professing the Jewish Religion.* Vol. I, fol. 26.

Abraham Surzedas
Rachael Surzedas

Tuesday the 23rd Day of February, 1747. *Persons professing the Jewish Religion.*

Rebecca Nunez Vizea
Ester Henriques Furtado

Wednesday the 31st Day of August, 1748.

Abraham Pereira Mendes
Ben. Dias Fernandes
Sam[ll] Pr[a] Mendes
Daniel Lopes Barrios
David Nunes Trois
Abraham Carille

Tuesday the 28th November, 1749. *Persons professing the Jewish Religion.* Vol. I, fol. 27.

Ester Nunes Trois
Judith Henriques Campos
Ester Dias Fernandes
Rachel Henriques Cunha

Tuesday the 27th February, 1749.

Abraham of Benjamin Pereira Mendes
Jacob Nunez De Lara
Daniel Albuquerques Moses Mesquita, Sen[r]
Joshua Aboab

Tuesday the 29th May, 1750.

Alexander Nathane

Wednesday the 28th November, 1750.

Abigail Lopez
Moses Dias Fernandes
Isaac Henriques Furtado

Tuesday the 26th February, 1750.

Isaac Rodriques Nunes Jacob Mendes Seixas

SOUTH CAROLINA.

Vol. I, fol. 63. Tobias Joseph, a Jew. Certificate recorded 11th December, 1741.

MARYLAND.

Vol. I, fol. 89. *Between the 1st of June*, 1742, *and the 1st of June*, 1743.

Phineas Alferino.

Between the 1st of June, 1743, *and the 1st of June*, 1744.

Jacob Stern.

April Assize, 1749.

Jacob Frank, of Frederick County.

Vol. I, fol. 90. *September Term*, 1757.

Ansel Israells

PENNSYLVANIA.

Vol. I, fol. 125. Moses Heyman, a Jew: Philadelphia county.

NEW YORK.

Vol. I, fol. 137. *Between the 1st June*, 1740, *and the 1st June*, 1741.

Jews:

David Gomez
Mordecai Gomez
Daniel Gomez
Jacob Ferro, Jun^{r}
Samuel Myers Cohen
Abraham Myers Cohen
Abraham Isaacs
Isaac Levy
Solomon Myers
Joseph Simson
Solomon Bares
David Huy
Abr^{m} Rodrigues de Rivieres
Dan^{ll} Rodrigues Vinera
Moses Lopez
Judah Hayes
Levy Samuel
Solo^{n} Hart, Jun^{r}

October 23*rd*, 1741. Vol. I, fol. 138.

Isaac Nunes Henriques, Jew
Abraham De Leas, Do.

April 19*th*, 1743.

Moses Levy, Jew.

January 21*st*, 1746. Vol. I, fol. 140.

Jacob Rodrigues Revera, Jew

April 26*th*, 1748.

Isaac Hays, Jew

October 18*th*, 1748.

Moses Benj[n] Franks, Jew.

PENNSYLVANIA.

March 25, 1749. Vol. I, fol. 227.

Jos. Simon, a Jew; Lancaster County.

Joseph Solomon, Lancaster; a Jew sworn on the Old Testament. Vol. I, fol. 230.

Mathias Bush, a Jew; Philadelphia City, sworn on the Old Testament only.

September 20, 1752. *Jews sworn on the Old Testament only.* Vol. I, fol. 233.

Solomon Heim Bonn, of the city of Philadelphia.
Midrach Israel, of the city of Philadelphia.

March 31, 1755. Vol. I, fol. 239.

H. B. Franks [of] Yorktown, York County; a Jew.

April 8, 1755.

Jacob Isaac.

WHO WAS THE FIRST RABBI OF SURINAM?

By George Alexander Kohut.

In a paper read at the third annual meeting of the American Jewish Historical Society,* the writer gave a brief outline of the literary work of the rabbis who had attained prominence in the American colonies, but whose contributions to Jewish religious (and often to secular) learning were entirely forgotten until Dr. Kayserling, the distinguished pioneer in this field of research, recovered their names from oblivion.† Such men as Moses Raphael de Aguilar, Isaac ben Mattathias, Aboab de Fonseca (known as Isaac Aboab III), Miguel (Daniel Levi) di Barrios, Jacob Lagarto, Daniel Israel Lopez Laguna, David Nassy (or Nasi, Nasci), Isaac Nassy, David Pardo, Josiahu Pardo, Samuel Mendes de Solla, J. Lopez da Fonseca, Joseph Jesurun Pinto, Ephraim Soeiro, Eliahu Machorro, Jacob de Andrade Velosino (or Villosino), and other scholars less prominent in the annals of history, lived and labored in various portions of the New World. Some of them took up their abode in Pernambuco, Bahia, Recife and other districts of Brazil where once a prosperous Hebrew congregation flourished; some were domiciled in Savannah, Paramaribo and Jewish villages of Surinam, while others again pitched their tents in Jamaica, Curaçoa, Cayenne, and such of the West Indian islands as were already inhabited by their co-religionists.

From the survey of our early history on this continent

*See *Pub. Am. Jewish Hist. Soc.* No. , pp. 103–147.

†Cf. his *Sephardim, Romanische Poesien der Juden in Spanien* (Leipzig, 1859), pp. 293–303; *Sephardic Jews in America*, in Leeser's *Occident*, vol. XXVI, pp. 216–221, and other articles cited in my sketch.

as it is now presented in the researches published by our Society, it is apparent that Surinam and the West Indian colonies were central points of Jewish activity.

The colony in Dutch Guiana was undoubtedly organized about 1664. By proclamation, August 7, 1665,* the British government at Surinam ratified all former privileges of the Jews, guaranteed them full enjoyment and free exercise of their religious rites and usages, and made void any summons served upon them on their Sabbaths or holidays. They were not to be called for any public duties on those days except in urgent cases. Civil suits of less value than 10,000 pounds of sugar were to be decided by their Elders, and the magistrates were obliged to enforce their judgments. They were also permitted to bequeath their property according to their own law of inheritance. They were given ten acres of land for the erection of a synagogue and such buildings as the congregation might need; and in order to induce Jews to settle there, it was declared that all who came for that purpose should be considered as British-born subjects, in return for obeying all decrees of the King of England which did not infringe on their privileges.†

In view of these favorable circumstances it is but natural that our Dutch brethren migrated from their native country, where they did not believe themselves quite secure, and sought refuge in the Dutch colony lately inaugurated under such happy auspices. From a memorial volume entitled *Sēchĕr Rāb* (Amsterdam, 1785), published on the 100th anniversary of the dedication of the "בית הכנסת של ק"ק ספרדים ברכה ושלום בקולונא סורינאם" (Synagogue of the Seph-

* Not August 17, 1665, as Rev. E. M. Myers has it in his Jewish calendar, *The Centurial* (New York, 1890), p. 109.

† See *Essai Historique sur la Colonie de Surinam* (Paramaribo, 1788), vol. I, p. 123; Koenen, *Geschiedenis der Joden in Nederland* (Utrecht, 1843), pp. 466–468, 468–470; E. H. Lindo, *The History of the Jews of Spain and Portugal* (London, 1848), pp. 381–383. The full text of the privileges is given in *Pub. Am. Jewish Hist. Soc.* No. 3, pp. 145–147.

ardic congregation "Blessing and Peace" in the colony of Surinam) we learn that the first temple of the early colonists was erected on Wednesday, Heshvan 8, 5546 (October 12, 1685). "Subsequent to the erection of the synagogue," says Dr. B. Felsenthal,* "Rabbi David Pardo came from London to Surinam and died there in 1713." The exact date of Pardo's arrival in Surinam is not ascertained. He did not die, however, in 1713, as Dr. Felsenthal says,† nor in 1716, as Dr. I. M. Jost ‡ records, but in 1717.§ J. C. Wolf says: ‖ ר' דוד פרדו *R. David Pardo: obiit Surinami in America ante decem circiter annos, quod mihi ex epistola ad B.* (!) *Ungerum scripta constat.*" ¶ The document referred to here was drafted by the famous London Rabbi, David Netto (not Neto, or Nieto), who, as well as other Jewish scholars of eminence, carried on an extensive correspondence with the bibliographer, Christian Theophilus Unger,** of Herrenlauschitz. In this letter, cited twice by Dr. Kayserling in another connection,††

**Pub. Am. Jewish Hist. Soc.* No. 2, pp. 29, 30.

† See also *Pub. Am. Jewish Hist. Soc.* No. 4, p. 3.

‡ *Geschichte der Israeliten* (Berlin, 1828), pp. 266, 267; cf. also Kayserling, in Frankel's *Monatsschrift f. Gesch. u. Wissensch. d. Judenth.*, vol. III (1859), p. 211, n. 5.

§ See *Monatsschrift*, ibid. p. 389; Dr. B. Pick, in McClintock and Strong's *Theological Encyclopedia*, vol. VII, p. 669b, s. v. *Pardo*, n. 9.

‖ *Bibliotheca Hebraea*, vol. III, p. 206, no. DXVI.

¶ Steinschneider, in his *Bodleian Library Catalogue* (Berlin, 1852–60), col. 884, says also, "*Postremum Surinami in America ca.* 1717 *mrt. dicit Ungerus ap. Wolf III*, 516." See also ibid. col. XCV of the "Addenda et Corrigenda" to no. 4837.

** On Unger's life and works see M. C. G. Jöcher's *Compendiöses Gelehrten-Lexikon* (Leipzig, 1726), p. 1438; Steinschneider's *Catalog der hebräischen Handschriften in der Stadtbibliothek zu Hamburg* (Hamburg, 1878), p. 162, no. 335; *Hebräische Bibliographie*, No. 100.

†† See his article on "Die Abendanas," in Frankel's *Monatsschrift*, vol. IX (1860), p. 33; *Geschichte der Juden in Portugal* (Leipzig, 1867), p. 325, n.; S. D. Luzzatto, in Blumenfeld's *Ozar Nechmad*, etc., vol. III (Wien, 1860), pp. 128–147; cf. also Wolf, *Bibl. Hebr.*, vol. III, p. 539, no. MCXLI; the letter was reprinted in full in *Ozar Tob—hebräische Beilage zum Magazin für die Wissenschaft des Judenthums*,

we are informed for the first time that: ר' דוד פארדו מת באמיריקא בסורינם, "Rabbi David Pardo died in America, in Surinam." Strange to say, H. J. Michael, in his posthumous work, אור החיים (Frankf. A. M., 1891), p. 342, no. 763, s. v., says: וי"הלך לסורינאם אישר בחלק אמעריקא ומת ישם בשנת תע"ג (כן כתוב באגרת כ"י מן ה"ר דוד ניטו מועתק אצלי), that in a MS copy of a letter in his possession written by R. David Netto, the date of Pardo's death in Surinam is given as 5473, *i. e.* 1713. This is not to be accounted for, unless it were proved that there are two different letters in question, which is hardly likely, since the "Unger correspondence" is preserved in the State library of Hamburg, where both Wolf and Michael resided. Dr. Felsenthal was doubtless unaware of the publication of the original, where no date is given, else he would not have so readily accepted Michael's information as authentic.* Although no chronological postscript is affixed to Netto's letter, it is plausible to assume, with Dr. A. Sulzbach, that it was written after 1714, the latest date mentioned therein.† About Josiahu Pardo, his son, who officiated as Rabbi in Curaçoa and subsequently in Jamaica (c. 1674), see Kayserling, *Msschft.*, vol. VIII, p. 389, and *Pub. Am. Jewish Hist. Soc.* No. 3, p. 18 f. That David Pardo‡ was first Rabbi of Surinam, as Dr. Felsenthal would have us believe,§ is not quite accurate, for we find that even before the found-

ed. by Drs. A. Berliner and D. Hoffmann, vol. IV (Berlin, 1878), pp. 085, 086; see also Dr. A. Salzbach's remarks in *Magazin*, l. c. pp. 234, 235.

* *Pub. Am. Jewish Hist. Soc.* No. 2, p. 30, n. 1.

† Berliner's *Magazin*, l. c. p. 235.

‡ This David Pardo, about whose literary activity see Dr. Felsenthal's interesting remarks in *Pub. Am. Jewish Hist. Soc.* No. 2, p. 30, is not to be confounded with the three others of similar name enumerated by Dr. Kayserling (l. c. VIII, pp. 386–390) and Rev. Dr. B. Pick (in McClintock and Strong's *Encyclopædia*, vol. III, p. 669), all of whom were celebrated authors of Rabbinic works.

§ Cf. also Dr. A. Hahn, in *American Jew's Annual* for 1886–1887, p. 36. He erroneously states that our Pardo wrote *Shoshanim le David*.

ing of the colony, the Surinam Jews had a spiritual guide in the person of Isaac Neto (Netto?) whom Dr. Kayserling* describes as their first Chacham. He is not to be confounded with Isaac Netto, the son of the celebrated British Chief Rabbi, David Netto. The Surinam Rabbi was trained in the Academy *de los Pintos* in Rotterdam, simultaneously with Josiahu Pardo, Joseph Franco (later in Surinam), Jacob Abendana and other distinguished scholars.† When the benevolent institution *Temime Derech* in Amsterdam was founded in 1665, Isaac was invited to become its *Rosh*, or spiritual head, and was also officially connected with the institution *Abi Jethomim*. Thus we read in De Barrios' *Temime Derech* (p. iv):

> Su primer Ros, ó doctrinal Cabeça
> El *Jaxam Ishac Neto* la preside
> *Y oy en la Indiana Sa(u)riñan, riqueza*
> Del Bien Mosayco, preceptor reside.

We find, furthermore, in the same author's *Abi Jethomim* (p. 40) the following interesting reference:‡

> Merecen ser nombrados por la ciencia,
> Que huerfanda aprenden con desvelo,
> *Ishac Neto, Jaham en Indio suelo.*
> En su escuela con artes de eloquencia.

These are about the only allusions we can find to Isaac Nieto (or Neto) of Surinam. We are inclined to think him identical with Ishac Nietto (or Netto), Chacham in Amsterdam, who published one of his sermons, issued in a collection of orations (pp. 60–74) on the occasion of the dedication of the beautiful synagogue in Amsterdam.§ When he was called

* *Monatsschrift*, vol. VIII, p. 211.

† See De Barrios, *Yesiba de los Pintos* (2).

‡ Cited in Dr. Kayserling's sketch, l. c. vol. VIII, p. 211, nn. 7, 8.

§ The title of the anthology is: "Sermoẽs que pregaraŏ os doctos ingenios do K. K. de Talmud Torah en Amsterdam no alegre estreamento, e publica celebridade da Esnoga, que se consàgron a Deos, para caza de Oraçaŏ, cuja entrada se festejan en Sab. Nahmu, Anno

to Surinam, how long he stayed there, and where he ended his days, we are unable to ascertain with certainty. Dr. Kayserling says his call to Surinam "must have taken place towards 1674,"* whilst Dr. Felsenthal and Prof. Gottheil still consider the date 1680.†

5434 (Amsterdam, David de Castro Tartaz, 5435=1675)." See on this theme our sketch, "The Temple in Amsterdam," in *Menorah Monthly*, vol. XVII (1894), pp. 227–232. Steinschneider (*Cat. libr. Hebr. in Bibl. Bodl.*, etc., col. 1144, no. 5402; Kayserling, *Beilage* to *Bbl. Jüd. Kanzelredner*, vol. I (1870), p. 10; and Wolf, *Bibl. Hebraea*, vol. III, p. 606, no. MCCXLV *d*, refer to this sermon of Nieto's.

* *Pub. Am. Jewish Hist. Soc.* No. 3, p. 19. † *Ibid.* No. 4, p. 3.

ISAAC ABOAB, THE FIRST JEWISH AUTHOR IN AMERICA.

By Dr. M. Kayserling, *Buda-Pesth, Austro-Hungary.*

Isaac Aboab or Abuab was a great-grandson of the last Gaon in Castile of the same name, who a few months before the expulsion of his co-religionists from Spain settled in Porto, where he departed this life in 1493. The subject of this sketch has been frequently confounded with his contemporary and colleague, Isaac de Matitia Aboab of Amsterdam. He was—a fact not known until now—the son of David Aboab* and of Isabel da Fonseca, who was fifty-one years old when Isaac saw the light in 1606 at Castrodagre in Portugal. The small family, which did not feel itself secure from the snares of the Inquisition in Portugal, moved soon after Isaac's birth to San Jean de Luz. Hence this little French town, which is situated on the Spanish frontier, is given by many as the birthplace of Aboab. A colony of Spanish and Portuguese Marranos had taken up their residence here and openly professed Judaism. There was great indignation in the mother-country over the boldness of these New Christians who happily escaped the persecutions of the Inquisition. It was the intention at first to get hold of them by force. When, therefore, in 1612 the Spanish government was about to send the Duke de Pastrana to Paris to sign the contract of the double marriage between the royal houses of Spain and France, the thought was conceived

*The name of Aboab's father is nowhere given, but is deduced from the acrostic of one of his poems. The Isaac ben David Aboab, who was the author of the poem which prefaces the work *Pne Rabbah* by Manasseh ben Israel, is no other than our Aboab. *Bibliotheca Española-portugueza-judaica*, p. 3, is accordingly to be corrected.

in Spain to close a treaty with France of mutual extradition of refugee heretics.* In the face of this danger which hung over them, David Aboab left San Jean de Luz with wife and child and made his way to Amsterdam, as did Fernando Roiz Mendez and others.

Isaac Aboab probably lost his father (who is nowhere mentioned) at an early age, and assumed from his mother the surname of da Fonseca. He came in 1613 to Amsterdam, where he acquired much learning under the guidance of the Chacham Isaac Usiel, so that he was already in 1619 able to hold a public office, and to assume four years after, as Rabbi, the position of the recently deceased Samuel Cohen. When scarcely twenty-one years old he was entrusted with the honored position of Chacham of the large congregation of Amsterdam. In this office he had to give instruction in the Talmud to the beginners at the Talmud-Thora, to deliver sermons, and in evenings during the winter, lectures on the prophet Isaiah, and to constitute the College of Rabbis in conjunction with Saul Levi Morteira, David Pardo and Manasseh ben Israel—all for the insignificant salary of 450 florins. In 1642 he received a call as Chacham to Pernambuco Recife, which he gladly accepted in the hope of bettering his condition.

But few years of rest were granted to Aboab and the co-religionists who took, with him, the journey to Brazil. The torch of war had there burst into full flame in 1646. A fierce struggle for the possession of Brazil was carried on by both sides, the Portuguese and the Hollanders. He spent there nine years that were full of the horrors and calamities of war. Aboab, who was an excellent Hebrew poet, immortalized these events and experiences in rhyme in a book, still in manuscript, the title of which is: "I have put up a memorial of the wonders of God and of the great

*According to a manuscript report of an agent to the City Council, in the archives at Paris, K. 1427, communicated by Prof. Dr. M. Philippson, in *Allgemeine Zeitung des Judenthums*, 1868, p. 769.

kindness which He in His compassion and His great mercy showed to the house of Israel in Brazil, when there came over them the hosts of Portugal to destroy and to exterminate all that is called Israel, children and women in one day."*

In the first poem, which consists of twenty-two alphabetically arranged rhymes, Aboab relates the sufferings which he himself and his people had to experience in the war between the Portuguese and the Hollanders.

It was in 1646 that the terrors of war overwhelmed him and his followers, who had been cast upon a strange land as by waves of the ocean. As the Jews and the Marranos had done extraordinary services to the Hollanders and shown themselves particularly active, the King of Portugal poured upon them his whole wrath and resolved upon peremptorily exterminating them. One Johann Ferdinand Vieira, a Portuguese of Madeira, whose father was of low descent and whose mother was, as it appears from Aboab's narrative, an Ethiopian, placed himself at the head of the rebels. As the Portuguese officially denied any support of Vieira, the States General at first did not suspect the cunning of Vieira; they only endeavored to get hold of him after the Indian hosts of the rebel who was in alliance with the Portuguese had

* The title does not read as given by Benjacob (see *Pub. Am. Jewish Hist. Soc.* No. 3, p. 105), but:

זכר עשיתי לנפלאות אל ורב טוב לבית ישראל אשר גמלו ברחמיו וברוב חסדיו במדינת בראזיל בבא עליהם גדודי פורטוגאל עם נבל נאצו שמו להשמיד להרוג ולאבד את כל אשר בשם ישראל יכנה טף ונשים ביום אחד בשנת ועל כל איש אשר עליו הוֹי אל תנשו.

אני הצעיר והקטן

יצחק אבואב.

The manuscript, which is in possession of the theological association *Ez Chajim* in Amsterdam, was copied for me with permission of the association mentioned, procured through the kind intervention of Mr. D. H. de Castro.

begun to continually grow in number. Vieira took to flight, and with his followers kept himself in hiding in the woods until the troops sent by the King of Portugal joined his hosts and he met the Hollanders in open battle.* It was a hard struggle: the Portuguese, inflamed by fanatical priests cross in hand, fought for the faith; the Hollanders, supported by the Jews, battled for liberty. Great was the distress and misery brought about by the siege. Aboab ordered days of fasting and offered up prayers of supplication and penitence, which he specially composed for that occasion,† and with fiery speeches urged his battling co-religionists to resistance and perseverance. Each day brought new sufferings. Without the sword was raging, and within the besieged city, terror of death. Many Jews were slain, many perished of starvation; they rest in the cold earth on their camping-ground. Those who remained alive were exposed to death in many forms. Such as were used to delicacies were glad to be able to satisfy their hunger with dry musty bread. Soon even this was wanting and they had to rest content with fish. The enemy, "an abomination of Amalek," triumphed. He saw the last hour of the Jews, the realization of his most ardent wish approaching.‡

The famine had almost exhausted their endurance, and the besieged were about to surrender, when their hard fate and total destruction were averted as by a miracle; at the last moment the Dutch fleet appeared and brought them deliverance. This happened on the 9th of Tammuz, when two ships arrived. Without them, all would certainly have been doomed to destruction.

*See Appendix I. Agreeing with Aboab, R. Southey, *History of Brazil*, vol. II, p. 60 f., in Koenen, *Geschiedenis der Joden in Nederland*, p. 279 f.

†Appendices II and III.

‡See Appendix I and Aboab's introduction to his Hebrew translation of the Kabbalistic work of Herrera, *Porta Coeli* or *Shaar Hashamayim* (Amsterdam, 1655).

The Jews were thus saved, and, like their forefathers at the Red Sea, they sang in humble devotion, "Who is like Thee among the gods, O Lord!"*

After his return to Amsterdam, Isaac Aboab da Fonseca was reinstated in the offices and positions of honor which he held prior to his removal to Brazil. He was also entrusted with the direction of the educational institution founded in 1656 by Ephraim Bueno and Abraham Pereira. He was a philosophically trained man, having written several philosophical treatises in the spirit of his time, an excellent orator (several of his Spanish speeches appeared in print), and an able Hebrew poet, as the elegies contained in the manuscript frequently mentioned above, and other poetical productions which certainly deserve to be collected, bear witness. He endeared himself to his congregation, which he guided during seventy years. To his suggestion is due the erection of its large synagogue, which even now is one of the richest and most beautiful Jewish houses of worship. Aboab, who during the last years of his life was deprived of his eyesight, reach the great age of eighty-eight years. He departed this life, much lamented, on the 4th of April, 1693.

Aboab occupies an honorable place in the early history of the Jews of America.

Appendix.

I.

מי כמוך ואין כמוך, מי דומה לך ואין דומה לך.

אל אלהים אדני
רם על כל רמים שוכן מעוני
שמו אזכיר בקהל אמוני
בזמירות נריע לו
בפשעי השלכתי לארץ מרחקים
ודברי נביאיו בי הקים
ואם נפלתי מִשְׁחָקִים לעמקים
אשרי אדם עוז לו
גלי הים עברו על ראשי
ואף גם זאת נכספה נפשו
ולא שקרתי בקדושי
ובריתי נאמנת לו

*Appendix I.

דבקה רוחי אחריו
נפשי יצחק בדבוריו
הזכירו כי נשגב שמו
וירם קרן לעמו
ויהי באלף החמשה
יגורתי חרבו הקשה
זכור ה׳ למלך פורטוגאל
שִׁתְמו גְדִיבֵמו כַגַלְגַל
חשב בלבו להשחית שרידי
וישלח גדודיו לרדוף גדודי
טמן פח לי ויהי נאמו
ומאשפו הרימו
יהיר זד לץ שמע
אביו לא ידע אי מקומו
כסף וזהב כנס בעצמה
וישרי לא האמינו לערמה
לקרואים אליו אנשים שחורים
ברח להתחבא ביערים
מזן אל זן נרדפים
אשר יעד לו המלך להיות נאספים
נהה נהי ועת צרה
למי צום לעזרה
סמר מפחד צרי בשרי
הנחש השיאני ויצרי
עיט צבוע בעיניו נחלתי
ולא זכר כי ה׳ אותי
פחד קראני ורעדה
כי הצורר לקחת נפשי צדה
צדו צעדי ונפשי מרה לעצבי
בצמא חשב להשיב בני בקרבי
קשב רב קשב המלאך הגואל
אלמן מאלהיו ישראל

אשורי לא נטו מאשוריו
על כן אוחיל לו
ולא העיר כל זעמו
העם בחר לנחלה לו
וארבע מאות וששה
כי חטאנו לו
אשר חמתי עלינו התגלגל
שרי החילים אשר לו
ולשלוח אשו במחמדי
לבו יקבץ און לו
עם איש בליעל אחר כשמו
למעוז ולמחזיק לו
ממשפחות כושים אמו
קללה תחשב לו
למרוד ולקום עלי במרמה
בז לדבר יחבל לו
כי ננלה הדבר לשרים
עבים סתר לו
עד בא גדודיו הנכספים
פרא בודד לו
והיה ליעקב ויום עברה
להשקיט לו
כי שכחתי בעשרי ליוצרי
ולו אבין לו
מועצותיו לאכול שאריתי
אוה למושב לו
צירים אחזוני כצירי יולדה
נפש עמל עמלה לו
יום לכד לי הים אויבי
לא יאבה ה׳ סלוח לו
ויצעק אהה על גולת אריאל
בכה ויתחנן לו

רועה ישראל אל נורא ואיום
לעריו וצריו פיד יום
שובן עד אדיר אדירים
להעביר על ראשם המים המאררים
תבין לבם ותקשיב אזנך
כי תושיע לך ימינך

לעמך שלה פדיום
כי לא יכול לו
סור שור לעמך בלא הון נמכרים
וחדלת מעזב לו
נגילה ונשמחה בהוד גאוניך
ועני ואין עוזר לו.

אחר כל הדברים האלה ויהי חתת אלהים על הערים והמצור מעל הים הרים הליכות עולם לו.

נסו ואין רודף אותם
והאלהים הפר עצתם
יחלתי כמטר ישע מעוני
כי נטבע עמי בעוני
אם תוחלתי נכזבה זמותי נתקו
ואלה במסנר אותי דחקו
צום קראתי לכל המוני
והאלהים ישא פני
חטאתי אודיע ולא אכסה
והיא לריח נחוח אשה
קולי שמע משמי מעוניו
ויעבר על פניו
אזי שלח למלאך רשומי
ויך בסנורים מתקוממי
בפחד פתאום אחור השיבו
לבני ישראל עם קרובו
ולא עצר כח להלחם
בשבו להם מטה לחם
הרה עמל יום בקש בקצפו
ולא ירא אלהים ואפו
באתי במעמקי מים
כשל כחי מדי יום ויומים

טח מראות עינם מהשכיל לבותם
מחשב להרע לו
והוא השיב אחור ימינו
וגמולו ישלם לו
אלה מעלי רחקו
לא דלתים ולא בריח לו
אולי אכפרה בעד זדוני
יעשה למחכה לו
כי מכסה פשעיו לא ירצה
עומדים ממעל לו
וישת אל המדבר פניו
כי חטאתי לו
העומד על בני עמי
חרפתו ישיב לו
וימת לבו בקרבו
שירו לו זמרו לו
ויאמר אפאיהם ואקחם
אלהים יראה לו
לשרוף אניות מחוזי ברשפו
המושל בכל אשר לו
לולא נלחמו לי מן השמים
וזרועו מושלה לו

בחוץ תשכל חרב בחימה ומחדרים אימה
כי הקשר בתוכי בעצמה אשר שם לו
נין עמלק היה בעוכרי רכיל מנלה סודי לצרי
להסניר בערמה מבצרי נפשו ירעה לו
דברו מדע ותהי גזרתו תתחו נתחים אותו
אבדון ומות תמורתו ויעזוב כל אשר לו
ויהי כי ארכו הימים עוד נפלו עלי אימים
כי רבו בעמי לוחמים ואין לחם לו
דאבה נפשי כי ארובתו בושש לבא לעזרתו
והרעב החל וארוחתו ארוחת תמיד נתנה לו
חרה ברעב בשרי ועצמי כי אכלתי במשקל לחמי
דגים מקום לחם אכל עמי על המו מעי לו
זה היום אמר הצורר קויתי אל הגוי הסורר
להיותו בביתו שורר ועל כל אשר יש לו
קרוב אידו עת פקודתו עזב ה' אותו
מצאנו ראינו אהריתו ובמה נוכל לו
שמע אלהים ויתעבר חמתו מעל עמו עבר
וחסדו הגדול עלינו גבר אשרי העם שככה לו
רמינו אלהים חסדך לא קצרה מהושיע ידך
לבן אזכיר לעם ידידך אם יתמהמה חכה לו
בתשעה ברביעי שתי ספינות היו לעמי רפואות צפונית
כי לולי באו ראשונות גם פליטה לא היתה לו
זכרו וכתבו עדת אמוני זה היום עשה ה'
לעד לעולם לבני אתני שם עולם אתן לו
בו אזכרה ידו הנפלאה מקדם עלי נוראה
אשירה לה' כי גאה גאה בתהלה הודו לו
יום נער פרעה בים סוף ויושע מידו העם הכסוף
זכרו מזרעו לא יסוף עד בא אשר לו
מכור הברזל לקחו ויפרוש עלינו עננו להבטיחו
ולא ימיש להאיר ארחו כמראה אש ונוגה לו
ביבשה עברו המוני ואל נערך לפני
אז שוררו נאמני מי כמוך באלים ה'.

II.

Confession and Prayer.

וידוי ותפלה

אשר תקנתי אותם להתפלל בעת צר בבא עלינו גדודי מלך פורטוגאל והקב"ה הצילנו מידם.

רבונו של עולם, בהעלות לבבי כל יצוריו כולם, ויחלם והנה סלם מֻצָּב ארצה וראשו מגיע השמימה, לעלות בו לפני שוכן רומה, עפר מן האדמה, חשבתי דרכי לעלות ועונותי לא יעזבוני, השב רוחי לא יתנוני, סבוני גם סבבוני, אם נסעתי רגלי לילך לבית שוכן מעונים להפיל תפילה ותחנונים, וילכו לאחור ולא לפנים, כי הנני רמה ותולעה, רודף חטא ורשעה, רגלים ממהרות לרוץ לרעה, וכי אשא אל שמים ידי הנם בנפש העברות שקועים וְעָוֹן החטאות טבועים על שלשים ועל רבעים, מה אעשה ולמי במפניע אצו, אם בפי מלוכלכים בשבועת שוא, והידים ידי עשו, אמרתי כליותי יעצוני, ולתקן מְעֻוָּת יעזרוני, המה רמוני, ואבא היום אל העין אולי יראה בעוני, כי ידעתי לא ננעלו שערי דמעה לפני קוני, אל אלוה דלפה עיני, גם המה נפלו בתרדומות, כי אמרו איך לפני שוכן מרומות, תבאנה עינים רמות, אמרתי אערכה לפניו אמרים מתוקים, אולי חטאי יהיו נתקים, והדברים עתיקים, אזי פי השיבנו בדברים ברים, איך יתטהר איש שותה אמרים מרים, המים המרים המאררים לשוני וחכי יענו בי נעים ונדים, ועלי הם מעידים האיש לבוש הבדים, יען שפתי בדמי חטא מגוללה, והלשון בחטאת לצון מגולה, וכל פה דובר נבלה, אמרתי אחלה נא פני ומצחי, ועליהם אשים מבטחי, אריד בשיחי, המה יבקשו מחילה על עוני מלפני שוכן מעוני אולי ישא פני, גם המה השיבוני איך יתרצה עבד זה לאדוניו ויעבר על פניו, העז איש רשע בפניו, לכן פיתתי לנפשי הטהורה, אולי תשפוך בעדי עקרה, והיא גם היא אמרה חוטא שבעולם אינך לדבר נכלם לפני אלהים חיים ומלך עולם, איך יעלה לפני שוכן רומה, אנוש תקותו רמה, הארץ הלזו הנשמה, כי טמאתני בטמאתיך, העבדתני בחטאתיך, הוגעתני בעונותיך, ולקול דבריה נאלמתי כרחל נאלמה, והחשתי כאמן דומה, ומשמע ומשא ודומה, על כן כל יצורי מעלה ומטה קראתי לרפאת מכאובי, ונפשי מרה לעצבי, חם לבי בקרבי, הורוני ואני אחריש למלתכם, כי ישר עלי עצתכם, אמצא חן בעיניכם, והגידו לי מה יהיה סם רפואתי לחבוש מחץ מכתי, העלנה על ראש שמחתי, ויענוני לכה ניעצך עצה בקש צדק בקש ענוה, והתרחק

מעונג ותאוה, אולי יש תקוה, פי צדיק יהגה לענות, את עונותיך כאבך יעלה, כי גדול אלהים ועל הרעה נחם, ומודה ועוזב ירוחם, הוא יעלה מעלה למכתך, וממנו תצמח ארוכתך, וחיית אתה וביתך, ובשמעי את דבריהם הנעימים, הסבותי פני לאל שוכן מרומים, אל מלך יושב על כסא רחמים, אמרתי מלפניך אל נורא ואיום, אקוה פדיום, את הטאי אני מזכיר היום, גנבתי גזלתי מטמונים מונים פעמים שונים עשרת מונים, שמרתי כל ארחות פריץ בכל הארץ, ולא יראתי הכליון והחרוץ, ואלה תולדות פרץ, חמדתי ולא זכרתי כי אתה הוא העד והדן, כל תענוגי בני אדם בכל עת ועידן, ואלה בני דישן, חמסתי ואחרי ההבל עיני זנח גברתי בארץ ולא לאמונה היתה לראש פנה, מאסתי ניאצתי וידי היו דאחות עשרת הדברים הצחות הכתובים על הלוחות, עברתי עליהם ברוב פשעי וזדוני ולא שמתי למול פני אנכי ה׳, תרתי אחרי שרירות ורעיונים זרים ולכי לא ירים לא יהיה לך אלהים אחרים, אחרי הבצע הלכתי ואבחר אותו לי למנה, שכחתי ועיני לא פנה לא יהיה לך פסל כל תמונה, בחנתי משפטיך ומאסתי עושיהם החונף והרשע אהבתי והשתחותי לעובדיהם ולא זכרתי לא תשתחוה להם, איך מולך צור פניו ישא איש המרמה אשר על קונו חסה ועובר על לא תשא, ממני כל טוב ומשוש יושבת כי לא שמרתי כבבת שמור את יום השבת, אל תפן לחטאתי ממרומך כי לא שמעתי בקול מורי האומרים לי בשמך כבד את אביך ואת אמך, אצדיק דינך הצדק אם עלי יחרה אף יען אשר עברתי על לא תרצח ואף לא תגנב ולא תנאף, איך אטהר לפני כליות חוקר כי לא שמתי לנגד עיני ערב ובקר לא תענה ברעך עד שקר, לפני זעמו איך אעמוד אם נתחיבתי ללמוד לא תחמד, את כל אלה עוללתי וכהנה וכהנה הוספתי תעבתי תעיתי ותעתעתי, טפלתי שקר וכל רע, הייתי כונס ואין לי אונס.

על חטא שחטאתי לפניך באונס, דברתי דופי בלי אונס ואסון ופי פערתי אל הלשון,

על חטא שחטאתי לפניך ברצון, רדפתי אחר כל המון חוגג ולבי בקרבי לא יתמוגג,

על חטא שחטאתי לפניך בשוגג, הלכתי אחרי שוא כאיש אשר לא אדון ורוחי בקרבי לא ידון,

על חטא שחטאתי לפניך בזדון, אשר סתרת בניתי ואשר בנית הייתי סותר ואין לי פותח,

על חטא שחטאתי לפניך בסתר, באש הפשעים עורי נחר וקלוי ועוד אשמי תלוי,

על חטא שחטאתי לפניך בגלוי, סוף דבר עונתי העלו למעלה לענה ורוש ולבי נרדם בעברות.

ואל אל לא ידרוש, המתנשא לכל לראש, אכן ליישועתך קויתי ה׳ כי לא אעבור בישלח ולשברי ויצרי רפואה תשלח כי אתה אל טוב וסלח, ועתה תיקר נא נפש עבדך בעיניך ונפש העומדים לפניך תכין לבם תקשיב אזניך, ולא תהיה נישפט אותנו על אמרנו לא חטאנו אבל חטאנו אנחנו ואבותינו אשמנו, ולכן אנו מתודים לפניך ואומרים אישמנו בגדנו.

תם.

III.

Prayer.

ויעתר יצחק לה׳ את התפלה ואת ד׳תחנה הזאת.

רבון העולמים ואדוני האדונים אשר אין סוף לחכמתו ואין חקר לתבונתו המתאצל בהויתיו שהם נשמות לספירותיו וספירותיו מתפשטות בעולמות שברא ויצר ועשה. יהי רצון מלפניך שתשפוך עלינו רוח חן ותחנונים ותשמע תפלתנו ברצון ותענה לעתרתנו ברחמים ותפתח צנורות מי הבריכה העליונה, דרך רחובות הנהר אל קו האמצעי נהר יוצא מעדן להשקות את הגן ומשם יפרד על בני עמך להשקותם ולהחיותם, והיה לנו למגן ולצנה למעוז ולמסתר והגן בעדינו ובעד כל עמך בית ישראל.

יהי רצון מלפני אלהינו שבשמים בכח שמותיו הקדושים והטהורים לאמצנו ולברכנו ולברך את כל הקהל הקדוש הזה העומדים בדוחק ובצער הם ובניהם ונשיהם ותלמידיהם וכל אשר להם, מלבא דעלמא הוא יברך יתכון ויזכה יתכון וישמע בקול צלותכון.

מלך מלכי המלכים הקדוש ברוך הוא ישמרכם ויחייכם ומכל צרה ונזק יצילכם.

מלך מלכי המלכים יפתח לכם שערי ריוח והצלה ולא תוסיפו עוד לדאבה.

מלך מלכי המלכים יאריך ימיכם בנעימים ויושיעכם מכל צרים וקמים.

מלך מלכי המלכים ילהם את לחמכם וישמיד את כל אויביכם.

מלך מלכי המלכים יעמוד עליכם לעזרה ויציא אתכם מכל צרה וכל הקמים עליכם לרעה בין בים בין ביבשה.

מלך מלכי המלכים יעמיד עליהם רוח סערה ולא ישמע בקרבם כי אם תאניות ואניות כי נשברו האניות, יעלו שמים ירדו תהומות, נפשם תתמוגג מרוב דאגות.

מלך מלכי המלכים יתן את כל אויביכם נגפים רפאים לרפאים וענקים נתקים ובסנורים יכם עד אשר ילאו למצא הפתח.

מלך מלכי המלכים יתן טללי אויביכם לחיצים ואבני אלגביש מן השמים יוריד עליהם עד השמידו אותם יצאו מן הבורות אל הבורות משביות החמדה לארץ שממה ונפלו כְּשְׁחָקִים לעמקים וממרומות לתהומות ויכינו להם במדברות קברות לא ימלטו מן המות האבירים השוכנים בחדרים והעזים היושבים בְּמְצָרִים ואחר יסעו מחצרות לחצר מות ומצל גפנם לצל מות, ויסעו מקברות תאותם הרעה ויחנו בתבערה וישבו על עפר כולם וישנו שינת עולם, ולכל בני הקהל הקדוש חזה צור ישראל יהיה לחם צור וחומה ויישיב מהם האף והחימה, המלך ברחמיו ירחם עליכם ועל כן החיים והשָׁלום יושיבכם ויפתח לכם הקדוש ברוך הוא ברחמיו וברוב חסדיו שערי אורה שערי ברכה שערי גאולה שערי דישה שערי הצלחה שערי ועד טוב שערי זכות שערי חמלה שערי חן שערי חסד שערי חיים שערי טובה שערי ישועה שערי כלכלה שערי כפרה שערי למוד שערי מזונות שערי נחמה שערי סמיכה שערי עזרה שערי פדות שערי צדקה שערי קוממיות שערי רפואה שערי רחמים שערי שלום שערי תפלה שערי תשובה, ויקיים בכם מקרא שכתוב ה' אלהי אבותיכם יסף עליכם ככם אלף פעמים ויברך אתכם כאשר דבר לכם וכן יהי רצון ונאמר אמן.

THE JEWS AND THE AMERICAN ANTI-SLAVERY MOVEMENT.

By Max. J. Kohler, A. M., LL. B., *New York.*

The dangers attending the historical treatment of periods barely past are obvious and must be recognized by every student, yet a consideration of them ought to allow for the fact that accurate details and particulars relating to any period can only be acquired and preserved at such time, and it is then that they can best be subjected to critical examination and correction. The great activity in the writing of the history of our Civil War and of its chief actors, which is so marked to-day, is doubtless largely due to the fact that numerous incidents well worth preservation will be lost to the historians, while many others will become discredited, unless they are set forth at once. Besides, we have to-day reached a point from which we can view with intelligent appreciation and judgment the deeds of '61, so that the mere fact that such treatises may occasionally involve praise or blame for some still in our midst, should weigh but little against these other considerations, in the mind of the historian whose sole purpose is to set forth the truth. It is believed that the present is the first attempt to treat of the important subject above named; it is hoped that the many errors such an attempt necessarily involves—of omission, which must be very numerous, as well as of commission, which, with the best intentions, cannot be wholly avoided—will find correction at no distant date.

The activity of the Jews in the War itself has been dwelt upon repeatedly, and was but recently set forth in the excellent and well-nigh exhaustive work published by our fellow-

member, Mr. Simon Wolf.* It was in the war that the anti-slavery principles triumphed and pro-slavery perished, but the work of arousing public opinion, of formulating and defining the issues, naturally preceded the firing on Fort Sumter, and it is with this stage of the movement that the present paper will deal.

The relations of the churches to the slavery question were for many years the subject of deep interest and heated discussion, and it may well be doubted if a single church other than the Jewish neglected to expound its attitude in the pamphlet and tract literature of the day. Early in the present century economic conditions had resulted in the classification of our states into "free" and "slave," the latter being those in which, economically, slave labor was profitable, and hence found its sanction in the statute-book. There then remained the question of the policy of the extension of slavery over newly acquired territory, and the policy of interfering with slavery in such states as desired to maintain it, with some minor questions growing out of these. Of course, the second of these problems was by far the more important, because if slavery be wrong and could legally be abolished, the former question was thereby determined also, while if slavery was morally defensible, or if no power existed to interfere with it in states which desired it, the policy of forcing prohibitory legislation upon new territory in which it was economically profitable, became of extremely doubtful expediency. For the practical politician and the voter the moral question as to the right or wrong of slavery became unimportant, in view of authoritative judicial decisions against the right to interfere with it in the slave states. Those who emphasized the moral wrongfulness of slavery could not escape the logic of the situation that no power existed to right this wrong. Only the development and growth of anti-slavery sentiments in the slave states could obviate these difficulties. Some of the anti-slavery men then

* *The American Jew, as Patriot, Soldier and Citizen.* 1895.

favored publicly the dissolution of the Union, so that the North would not sanction slavery any longer, but this carried with it all the evils of a dismemberment of the country, while the slave territory would continue to remain pro-slavery. It was then that the slave states began their crusade for the increase of our domain so as to make new slave states out of it, for the effacement of the old landmarks between free and slave states, for the compulsion of the free states to assist in the maintenance of slavery, and finally for the dissolution of the Union by means of secession. These last-named attempts forced the North to self-defence, and led to the changed legal conditions as to power to interfere with slavery. Prior to these actions on the part of the South, the relations of the churches to slavery were peculiar. They were the great foundations of moral sentiment throughout the land; their precepts determined moral right and wrong for the community. But what advantage to any one could accrue from emphasizing the wickedness of slavery, if no power existed to enforce such determination? With few exceptions, then, the churches ignored the question. Naturally enough, the anti-slavery leaders turned against the churches for conniving at evil and, as is forcibly indicated by the title of one of their most widely read publications of the day, they regarded the churches as the "Bulwark of American Slavery." Strangely enough, there were also other grounds for regarding the description as an apt one, whether as applied to the churches generally or to the Jewish in particular.

That slavery has existed since pre-historic times is well known, but the institution of negro slavery in America has been traced back to the suggestion of a pillar of the church, Las Casas, who proposed it as a substitute for the enslavement of the American Indians, as the latter were rapidly becoming exterminated in consequence of Spanish oppression. Experience showed that the negroes were better able to endure the hardships of such a lot, but it is strange that

the noble humanitarian sympathies of the churchman, which rebelled against the resulting physical degradation and injuries attending Indian slavery, should not have been touched by the moral and political degradation involved in the proposed substitute. Given the institution, it is not hard to account for the fact that so receptive and assimilative a people as the Jews should have adopted it from the peoples in whose midst they were living. The bearings of Jewish law on slavery and slavery among the Hebrew nation will be considered in another connection.

We find that in the early Middle Ages Jews were among those actively engaged in slave-trading, so little had the moral sensibilities of Europe been awakened on the subject.* In America, Church and State practically combined in colonial times to force slavery upon the newly-settled colonies. Slave-trading was made a royal monopoly at first, so that different colonies were forced to take a certain number of slaves every year. Later the privilege was granted by charter to different companies, still later the public demands were satisfied by permitting all subjects to share in these advantages. Here and there protests were heard among colonists, but they were disregarded, and the English Government even directed the royal Governors to veto bills in some colonies directed against the trade, and to discourage all such opposition. In other places, the Government offered bounties to settlers in proportion to the number of slaves they possessed. With the exception of the Quakers, scarcely any except isolated individuals protested against slavery, or even recognized the moral wrong involved, until our Revolutionary War. The Jews settled in the American colonies were as actively identified with the institution as

*See the chapter on "The Slave Trade" in Israel Abraham's admirable work on *Jewish Life in the Middle Ages* (pp. 96–101), Jewish Pub. Society, 1896; also articles in *Real Encyklopädie für protest. Theologie und Kirche*, von Herzog, Plitt und Hauck, Leipzig, 1884, vol. XIV, pp. 338–345; vol. VII, p. 233.

any other class of settlers. The Marranos, who settled in the New World soon after the discovery, do not appear to have differed from their fellow-settlers in this respect. Thus the Jews in Brazil doubtless had slaves, whenever they could afford to procure them, while the activity of Jewish masters whose slaves took part in the insurrections in Surinam proves that this was also the case in that colony.* It will be noticed that the list of Jews settled in Barbados about 1680, published by Dr. Cyrus Adler,† almost in every instance described the settlers as owners of slaves, and the same is true of the old lists of inhabitants of New York as far as the Jewish names upon them are concerned. On a prior occasion, the writer had occasion to point out that there were Jewish slaveholders in New Netherland already in 1661, that at least one New York Jew early in the eighteenth century was engaged in bringing slaves over from Guinea, and others in selling them here, and that slaves belonging to Jewish residents were implicated in the Negro Plot of 1741.‡

At that time the earliest instance known to me in New York of the occurrence of the words "Jews and slaves" in the same sentence was in 1661, in a remonstrance from Governor Stuyvesant against denying "Christians and employees of the company" a preference over "Spaniards and unbelieving Jews" in the matter of purchasing slaves arriving in New Amsterdam. I have since found the following earlier reference to the subject in an unpublished letter, contained in the New York State Archives at Albany,§ under date of July 24, 1653, from the Director of the Amsterdam Chamber of the Dutch West India Company to Stuyvesant: "As some of the Jewish nation who are associated with Juan

* See chapter by Mr. G. A. Kohut in Simon Wolf's work, *The American Jew as Patriot, Soldier and Citizen*, pp. 462–473.

† *Pub. Am. Jewish Hist. Soc.* No. 1, pp. 105–107.

‡ *Ibid.* No. 2, pp. 84, 82. See also an article entitled "New York Slave Traders," by Thomas A. Janvier, in *Harpers' Monthly*, January, 1895, p. 294.

§ Translation of Dutch Records, vol. IV, p. 113.

Delino, colonists on said island (Curaçoa), did solicit our consent to purchase a few negroes if any were offered for sale in New Netherland and export them to Curaçoa, to promote as they pretend, their agriculture, we must inform your Honor that we have declined to grant their request, because the company did prefer to encourage first the population and agriculture of New Netherland, wherefore all servants ought to be kept there, and no one permitted to leave the country, if it ever shall arrive to any degree of grandeur, all of which we have sent for your instruction."

So also in Newport, the settlers were largely interested in the slave trade, and we find that the wealthy Jews there kept slaves and even carried them, in the cases of Aaron Lopez and Jacob R. Rivera, with them, into Leicester, Massachusetts, during the Revolution.* Naturally enough, in the South, where negro slavery was more valuable economically, slavery was even more common among the Jews. Of course, the growth of democracy and economic conditions put an end to slavery in the North by about the beginning of the nineteenth century. In the South, with some isolated exceptions, the Jews continued to keep their slaves. Naturally, many of the founders of our country, even though they came from the South, recognized the evils of slavery and attempted to assist in doing away with it, and among these ought to be included Washington, Jefferson and Madison. When, shortly before the Civil War, Southern sympathizers grew aggressive, some among them of the Jewish faith appear to have pointed to the supposed fact that such noble philanthropists as Judah Touro sanctioned slavery, as conclusive proof that to keep slaves could not be wrong. This argument conclusively answers itself, and was refuted at the time, for instance, in Rev. Dr. G. Gottheil's stirring anti-slavery discourses delivered in Manchester in 1861. In fact, however, the statement appears to have been unqualifiedly false as far as Touro is concerned, for we learn that not

* Washburn's *History of Leicester*, p. 50.

only did he not favor slavery, but that he evinced his anti-slavery sentiments by the following noble acts: "The negroes who waited on him in the house of the Shephards with whom he lived for forty years, were all emancipated by his aid and supplied with the means of establishing themselves very respectably in the world. He never owned but one slave himself and, after training him to business, he gave him his freedom and a handsome sum of money, with which he bought a place, upon which he lived with his family very comfortably and independently."*

As a body, however, the Jews in America took no action either *pro* or *con* on the slavery question, though many of the American churches either divided and formed separate organizations on account of this issue, or took a neutral position deprecating the abolitionist agitations. That even in the early "forties" Jews were numbered among the abolitionists also seems quite certain, though little in the way of names and details is at hand to sustain this claim at present. I find a Mr. Lazar, a German, presumably a Jew, referred to as active in the American and Foreign Anti-Slavery Society meeting held in New York, May 11, 1853 (thirteenth annual report, p. 192), and in the annual report of the Society for that year the attitude of the American Jews towards the question is thus described (pp. 114–5): "The Jews of the United States have never taken any steps whatever with regard to the slavery question. As citizens they deem it their policy to have every one choose whichever side he may deem best to promote his own interest and the welfare of his country. They have no organization of an ecclesiastical body to represent their general views, no General Assembly or its equivalent. The American Jews have two newspapers, but they do not interfere in any discussion which is not material to their religion. It cannot be said that the Jews have formed any denominational opinion on the subject of

* "Fragments of History," by A. E. Frankland, in *American Jews' Annual* for 1889, p. 33.

American slavery. Some of the Jews who reside in slave states have refused to have any right of property in man, or even to have any slaves about them. They do not believe that anything analogous to slavery, as it exists in this country, ever prevailed among the ancient Israelites. But they profess to believe that 'the belief of Abraham, enlarged by Moses and now acknowleded by the Jews, is one of purity and morality, and one which presents the strongest possible support for civil society, especially a government based upon principles of equality and liberty of the person. They believe that the coming of the King Messiah will be the signal for universal peace, universal freedom, universal knowledge and universal worship of the One Eternal.' The objects of so much mean prejudice and unrighteous oppression as the Jews have been for ages, surely they, it would seem, more than any other denomination, ought to be the enemies of caste and the friends of universal freedom."

But some years before this, in 1840, at the Anti-Slavery Convention held in London, at which Garrison, Birney, Jay and other leaders of the American movement joined forces with Clarkson, Brougham and the other famous English leaders in their endeavors to abolish slavery throughout the world and particularly in the United States, a noble champion of human liberty stepped forward to espouse the holy cause on behalf of Israel, and in earnest, moving language which fortunately has been handed down to us, Adolph Cremieux proclaimed that the Jews must needs be the enemies of human slavery, and that a Jewish sect, the Essenes, had been the first abolitionists.*

On the other hand, Mordecai M. Noah was sitting at General Sessions in New York City about this time, in 1842, when abolition conventions were being held in that city, and he charged the Grand Jury to indict any who might advocate the dissolution of the Union or other revolutionary anti-

* *Proceedings of the General Anti-Slavery Convention*, London, June 13 to 23, 1840, pp. 166-169.

slavery measures.* What jurisdiction a state court had over such supposed offences, even though committed by the much hated and despised abolitionists, the learned judge did not explain. Meanwhile, Southern Jewish politicians were becoming even more ardent in behalf of slavery. The scholarly and brilliant Judah P. Benjamin became a leader of the pro-slavery forces of the United States Senate and then in Buchanan's Cabinet, long before he was even more conspicuously identified with the movement as a member of the Confederate Cabinet.† Nor were others backward among the Jews of the South in public life in espousing the same cause.

A German-Jewish visitor to our country pointed out already in 1862 that slavery was itself responsible in large measure for the fact that Jews devoted themselves so much more fully to public life in the South than in the Northern States.‡ Even in the North, as is well known, political expediency induced many to espouse ultra pro-slavery views, and so we find Henry M. Phillips, of Pennsylvania, in the House of Representatives a few years before the war, advocating the admission of Kansas as a slave state.

It was not, however, as Jews, but only as individuals, that the men who have been referred to espoused the pro-slavery cause; the Jewish community, as such, took no stand. Of course, if the question was one of morals, it was only through religious influences that the wrongfulness of the institution was likely to be emphasized. Yet it must be admitted that his Oriental customs and antecedents did not tend to make the Jew an enemy of slavery. Together with other Oriental nations, the Jews had possessed slaves, and regarded slaves as property. Moreover, the ideas of caste were strangely developed among Oriental nations, and accordingly among the

* William Lloyd Garrison, 1805–1879. The Story of his Life, told by his Children. N. Y., 1889, vol. III, p. 54.

† See his brilliant reply to Fessenden in the U. S. Senate, Cluskey's *Political Text-book*, 1859, pp. 558–566. Also other speeches of his referred to in Wilson's *Slave Power in America*, vol. II, pp. 402, 455.

‡ Benjamin: *Drei Jahre in Amerika*, vol. I, p. 47.

Hebrew we find different modes of treatment prescribed for the Hebrew slave and for the slave of alien birth.* Jewish law and ethics demanded humane and kind treatment of the slave, and thus improved his condition over that of the slave among other Oriental nations, but there was wholly absent any recognition of the moral wrong underlying the institution. Thus we find in Maimonides' Code of Laws such provisions as the following:† "It is forbidden to give a document of manumission to a slave of Canaanite descent, and one who does so transgresses a law, for it says in the Bible, 'Forever ye shall hold them as slaves.' But if he is manumitted, he is free. But it is permitted to manumit him for a religious purpose—*e. g.*, to complete the number ten necessary for divine service and the like; or, if it is a female slave, to prevent her from falling into vice." The spirit of prophetical teaching tended towards humaner ideas, but it was the influence of Occidental culture, rather than religious codes, which was responsible for the abolition of slavery. To such Jews, then, as found all moral and ethical principles embraced within the Book of Law, there was nothing inherently wrong in slavery. In a somewhat less marked degree, this was true also of other sects, so that we find the liberal in religion, particularly the Unitarian, in the van in the anti-slavery movement. So fully was this fact appreciated in the ante-bellum days that an editorial in an influential Jewish weekly of that day could be copied by the writer in this connection, in which Lincoln's anti-slavery views were ascribed to his religious infidelity, and the devout believer was called upon to vote against all heresies, and, therefore, against him. As there was, however, no Jewish synod in America, no declaration was presented by the Jews as such, *pro* or *con*, on this question. Individual Jews, even in the North, however, if they were at heart opposed to slavery, just before the war, generally

*Mielziner, "Slavery among the Hebrews," *American Jews' Annual* for 1886.

†*Hilchoth Abhadim*, ix. 6.

avoided committing themselves on the question. For many the growth of abolitionism appeared to involve the dissolution of the Union. Business and trade policy also rendered such avowals inexpedient. Nor, many argued, need they feel called upon to take sides as to dangerous political issues. Still others deemed it wise policy to keep on good terms with Southern voters; still others were frightened by the revolutionary and impractical or anarchistic ravings of certain abolitionist leaders. In the South, too, it frequently became dangerous for residents who could afford to keep slaves, not to do so. Such conduct was regarded as suspicious, and carried with it social and business disadvantages. Besides, not infrequently slaves would be bought in order to prevent families from being divided, and in order to remove slaves from cruel masters. Evidence has been placed at the writer's command that there were Southern Jewish slaveholders whose conduct was thus actuated. Of course, there were undoubtedly a number who did not hesitate to express their anti-slavery sentiments, but even in the North their number was very small. Yet it could only be by awakening and developing the moral sense that converts to the anti-slavery cause could be gained. But here, also, as far as the Jewish pulpit was concerned, arose an additional danger, thoroughly appreciated at the time, growing out of carrying politics into the pulpit and the Jewish press. In spite of all these deterring influences, Jewish pulpit and press were destined, in some instances at least, even before Lincoln's inauguration, to proclaim on behalf of Judaism that negro slavery should not endure. The pioneer among Jewish pulpit leaders in this cause, and the one destined to bring the greatest sacrifices in its behalf, was Rev. Dr. David Einhorn.

Dr. Einhorn had accepted a call to the pulpit of the Har Sinai Congregation of Baltimore only a short time before he began, in 1856, to wage war against slavery. Scholarly, earnest and fearless, Dr. Einhorn had the courage of expounding his Reform views, in spite of almost insurmount-

able difficulties and dangers, in Austria. He proclaimed there the convictions and opinions which were the result of years of investigation and thought, and which he felt impelled by a holy calling to expound in order to preserve Judaism as a living faith. It was before the day when radicalism had become fashionable, and radicals like Einhorn were exposed even to the dangers of poisoning at the hands of fanatical opponents. Even these attempts could not silence Einhorn's fiery eloquence. Intrigues then accomplished what personal violence could not, and the Imperial Government was induced to close Einhorn's Temple at Pesth on account of its alleged revolutionary tendencies. But Einhorn scorned to adapt his views to the political expediency of the day, and preferred to be without a pulpit to being denied full liberty of speech. Such was the man who came to Baltimore, a city with strong pro-slavery sympathies, when the slavery agitation was becoming bitter; such a man could scarcely be expected to trim and harmonize and compromise with conviction and right, no matter what policy may have suggested.

Thus we find him in the German monthly which he founded, called *Sinai*, already in October, 1856, commenting upon the happy augury of the closing year of the formation of the new "Black Republican" party, whose purpose was to stem the progress of slavery. "We cannot share the fears," he says, "of those who think that the triumph of this party would lead to the dissolution of the Union, if only for the reason that if the Union in fact rests on such a thoroughly immoral basis, it would appear to be neither capable of surviving nor fit to survive." And he proceeded to point out that the spirit of Judaism, as opposed to its letter, demanded the abolition of slavery.*

In the December number of that year appeared an article criticising this editorial utterance, over the name of Dr. B. Segnitz of New York, but this was itself annotated by Dr. Einhorn, and printed with the remark that no further room

* *Sinai*, vol. I, p. 229.

would be afforded in the *Sinai* for the discussion of the subject (vol. I, pp. 353–8). In the following July, Dr. Einhorn once more gave way to the temptation of attacking slavery, this time in commenting upon the attitude of the Presbyterian Church on the subject. As he himself pointed out, he considers merely the religious, not the political issues involved, but he concluded his article with the statement that sooner or later the controversy would assume a purely religious character, a struggle between the letter and the spirit of the Bible, and that the letter of the Bible was opposed to slavery no more than it was to polygamy.* Meanwhile events grew more and more serious, and the dissolution of the Union more and more imminent. Buchanan issued a proclamation in December, 1860, appointing January 4th, 1861, as a national fast day, on which prayers for the preservation of the Union were to be offered throughout the country. Jews joined their Christian fellow-citizens in the observance of the day, and conditions were everywhere discussed. It was this opportunity which Rev. Dr. Morris J. Raphall of New York seized, to proclaim on behalf of Judaism that slavery had the divine sanction of the God of Israel, and that those were ignorant babblers who invoked the higher law against slavery, since there could be no higher law than the Bible, and this ordained slavery. The lecture made a great sensation and was widely printed in the daily press and in pamphlet form. In a work now before me, entitled "Fast Day Sermons," the leading discourses of the day are collected, but unfortunately for the good name of Judaism, Dr. Raphall's sermon alone is printed as expressing the Jewish view of the subject. Dr. Raphall's remarks were not apologetic, but he took the square stand that Judaism sanctioned slavery and that the institution was morally right. Extreme as his position was, it cannot be regarded as original, nor did it lack

* Vol. II, pp. 599–601.

approval, for Dr. Isaac M. Wise* in *The American Israelite* and Isaac Leeser in *The Occident*† expressed their approbation of his stand. Einhorn, however, threw restraint and policy to the winds in his righteous indignation at this perversion of the position of Judaism, and at such endeavors to stem the great moral awakening by appeals to religion against it. In uncompromising, rigorous, earnest and convincing terms, he exposed the fallacy of this stand, and assailed the pro-slavery Northern priest both from the pulpit and in the press. What though he did so in Baltimore, in a Slave State, to a congregation largely composed of pro-slavery men? Truth is truth and must find expression. Duty demanded that he speak! Not long before this, Lundy had been mobbed in Baltimore in days less trying, and Garrison had been imprisoned there for expressing and publishing his abolitionist views. Einhorn could not permit Judaism to be thus misrepresented. Of course, matters became more and more trying, and reached their climax at the time of the Baltimore riot, April 19, 1861. The city was in one furore of excitement, and mob-rule prevailed. Union soldiers and Union sympathizers were shot down, and Einhorn's friend, the editor of the German paper, *Der Wecker*, was mobbed for expressing similar abolitionist views. Soldiers, policemen and friends all warned Einhorn that his name was on the list of those proscribed and fixed upon by the mob. Friends came and begged that he, too, display the rebel flag from his house-tops, but he indignantly refused. So serious were matters becoming, that a volunteer guard of young men belonging to his congregation remained in his home, ready to shield him against the threatened assault. Then at length he yielded to the entreaties of the officers of his congregation to remove his family from the

*As to Dr. Wise's position, see *The American Israelite*, vol. VII, pp. 172, 188, 205–6, 212, 220, 228, 230, 244, 254, 334, 396; *Jewish Record*, September 18 and 25, 1863, etc.

†As to Mr. Leeser's position, see *The Occident*, January 24, 1861, p. 268; January 31, 1861, p. 274, pp. 237–8, etc.

scene of danger, and silently home and belongings were abandoned in a flight from the city to a point of shelter, Einhorn insisting on returning as soon as his family was placed in safety. After a long and dangerous drive, Philadelphia was reached, but return to Baltimore was prohibited under martial law.

After remaining here for some time in enforced idleness, Einhorn prepared to return once more so as to be in his pulpit on *Shabuoth*. But when he ascertained that, in the form of recommendations, his trustees sought to deny to him liberty of speech and to prohibit treatment from the pulpit of the all-absorbing question, Einhorn indignantly threw up his position. Fortunately, soon after, he found a new sphere of activity in Philadelphia, in the Keneseth Israel pulpit, but after an ineffectual struggle, his periodical *Sinai* was forced to discontinue in consequence of the losses accruing from the espousal of the abolition cause. Of course, throughout the war Dr. Einhorn was an ardent patriot, and lost no opportunity to aid the Union cause. One of his sermons appears to have been translated into English and was sold for the benefit of the Sanitary Commission.* Fortunately, Einhorn was not alone at the beginning of the war, in his espousal on behalf of Judaism of the anti-slavery cause. In Philadelphia itself, Rev. Dr. Sabato Morais uttered burning words of protest against slavery on behalf of orthodox Judaism, in spite of the pro-slavery sentiments of some of his congregation, who for a time even prevented him from speaking. He was tendered the position of Jewish chaplain during the War, but declined, and on account of his anti-slavery sentiments, he was elected an honorary member of the Philadelphia Union League Club, an honor he shared

**Illinois Staatszeitung*, May 22, 1861; *Sinai*, V, 379–380, VI, 2, 23, 45, 60, 135–142, 159, 162, 169, 180, 207, 232; VII, 31, 158, 319–20; Einhorn's *Reden*, edited by Rev. Dr. K. Kohler; *Allgemeine Zeitung des Judenthums* for 1861, 370–1, 386–9, 403, 449; August 5, 1862, p. 447.

with Dr. Einhorn.* In Chicago, Dr. B. Felsenthal wrote earnestly against slavery in the *Illinois Staats-zeitung*, as well as spoke in the same manner from his pulpit, not being deterred from so doing by the protests of some of the Board of Trustees of his congregation. So also Dr. Liebman Adler delivered a series of eloquent sermons against the institution, subsequently published under the title *Fünf Reden*. Doubtlessly other American rabbis expressed similar views, especially as the war progressed, though a number —several of whom have already been named—continued to vent, though more guardedly, their pro-slavery sentiments.† But even across the Atlantic Dr. Raphall's sentiments aroused indignant protests. In Manchester, Rev. Dr. G. Gottheil immediately repudiated these supposed expositions of Jewish sentiment in a series of able lectures then published, entitled "Moses versus Slavery."

There were, therefore, many who, on behalf of Judaism and in its name, espoused the anti-slavery cause. Even before this, there were others who, as individuals belonging to the Jewish race, identified themselves with the anti-slavery movement. Thus we find that the late Judge Philip J. Joachimsen, as Assistant United States District Attorney for the Southern District of New York, successfully conducted a vigorous prosecution of certain slave-dealers, and thereby became a terror to those engaged in this inhuman traffic, whose horrors and the detestation with which it ought to be visited were never more vividly depicted than in Berthold Auerbach's *Landhaus am Rhein*. So also Moritz Pinner, now of New York City, became an active abolitionist worker in Missouri as early as 1856. The idea of starting an abolitionist paper in the Southern district where he was living appealed so strongly to him that he repaired to Boston, the headquarters of the leading aboli-

* See, *e. g.*, *Jewish Record*, May 8, 1863.

† See *Jewish Record*, June 5, 1863; Aug. 21, 1863; May 8, 1863.

See also Dr. Philippson's editorial utterances in the *Allgemeine Zeitung des Judenthums*.

tionists of the day, for advice, and there formed personal acquaintanceship with Theodore Parker, Wendell Phillips, William Lloyd Garrison and others. Here the plans for the proposed paper were perfected. Meanwhile he became a member of a committee of thirty-nine, which distributed gratuitously in the South 100,000 copies of Helper's book on "The Impending Crisis," designed to show that slavery was, economically considered, an evil, as well as morally. Mr. Pinner induced a Philadelphia printer to remove to Kansas City, and here, on January 1st, 1859, the first issue of an abolitionist paper made its appearance under Mr. Pinner's editorship. The name chosen was the Kansas *Post*, and it appeared in two languages, in the very heart of the slavery region. He was bitterly attacked and reviled, and attempts were made to frighten him away, but he stood by his post and did good service to the cause. After the paper had appeared for about eight months, Mr. Pinner gave up the editorship, his arrangement with the printer having been that he was to establish the paper and take all the risks attending this, and then turn it over to the printer when established. Under the arrangement with Mr. Pinner, it continued to be an abolitionist journal. Mr. Pinner was a delegate to the State Convention of Missouri in 1860, and joined with other German abolitionists to defeat certain over-zealous pro-slavery men, and they also succeeded in breaking the unanimity of the Kansas delegation to the National Republican Convention for Bates. He was also a member of the National Republican Convention from Missouri in that year, and was a participator in a convention designed to secure concerted action among the Germans against slavery. This being secured, he did not attend the National Convention itself, but worked enthusiastically in favor of its candidate, and during the war in the field. There were also other Jewish members of the Republican National Convention which nominated Lincoln. Among these should be named ex-Judge Dittenhoefer, of New York, then a young enthusiast in the cause.

In Chicago, as early as 1853, a mob interposed in favor of a poor fugitive slave who had been arrested by the Federal authorities, and liberated him. The mob was led by Michael Greenebaum, and a mass-meeting was held that evening to ratify this act. Others followed, the first official call for a German mass-meeting in Chicago to join the Republican party being signed by George Schneider, Adolph Loeb, Julius Rosenthal and Leopold Mayer, four of the five signers having been Jews.* Naturally enough, Dr. Raphall's outburst evoked answers from Jewish laymen as well as rabbis. A forcible and scholarly reply to Raphall's exposition of the Bible view of slavery was written by Michael Heilprin, appeared in the New York *Tribune*, in January, 1861, and aroused much interest.† Still another vigorous exoneration

*Simon Wolf's *The American Jew*, pp. 425-6.

†The few lines devoted above to M. Heilprin's services in this cause do not give any adequate idea of their value and importance. Raphall's lecture was being reprinted repeatedly in the newspaper press and in pamphlet form by Southern sympathizers. Both friends and enemies of the cause outside of the Jewish camp accepted Raphall's statements as correctly representing the Jewish view. The result was that much disgrace fell upon Judaism itself. The leading New York Anti-Slavery daily, the *Tribune*, printed extended editorials on the subject of Raphall's lecture on January 7, January 9, January 16, and January 22, 1861. They contained not merely strictures on Raphall, but on Judaism, whose attitude it was assumed he correctly expressed. The other Jewish Anti-Slavery pioneers were not in a position to reach the general public, in their vehement repudiation of these pro-slavery views, for naturally enough, the Jewish pulpit and the Jewish press had little opportunity to command non-Jewish hearers and readers. It was at this stage that Michael Heilprin's fiery denunciation and scholarly refutation of Raphall's views appeared in the *N. Y. Tribune*, on January 16, 1861. His utterances and the fact of his refutation of Raphall's claims were at once editorially recognized in the *Tribune*, and thus endorsed, his three column article attracting the widest attention. Seldom has a more crushing response appeared anywhere. Those were not the times for mincing words, and Raphall was treated in the most scathing manner. The theological, philological and historical arguments were no less

of the Jewish Bible from the charge of favoring slavery was written by Dr. Eisler of New York for the New York *Democrat.*

The preceding will show some of the numerous influences at work among the Jews of the United States in favor of the abolition movement. These agitations were in part responsible for the fact that Jews were so well represented among the Union soldiers on the battlefield, a proportion extraordinarily large. Of course, when the Union was in danger, many who loved the country stood up in its defence who were not primarily anti-slavery men. But the earlier agitation had been a moral one, and had apparently insurmountable legal difficulties in the way of its realization. Yet the course of events swept these away, impossible as it at first appeared to be. That Judaism contributed its share to the awakening and development of these moral forces and sentiments, none conversant with the facts can deny. All gratitude to the men whose unselfish and disinterested enthusiasm made such a moral awakening of the people possible.

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convincing. As the paper was, however, merely an answer to Dr. Raphall's lecture and its arguments, it would answer no useful purpose to reprint the answer without reprinting also Dr. Raphall's *in extenso;* this space will not permit.

DOCUMENTS RELATIVE TO MAJOR DAVID S. FRANKS WHILE AID-DE-CAMP TO GENERAL ARNOLD.

By Abraham S. Wolf Rosenbach, *Philadelphia.*

I.

[From *Letters and Papers relating chiefly to the Provincial History of Pennsylvania* (by Thomas Balch), Philadelphia, privately printed, 1855. *The Shippen Papers*, pp. lix, lx, lxi.]

"Major Franks, of the Revolutionary army, was a well-known acquaintance of my parents," says Mrs. Gibson. "He was respected and welcomed wherever he went, for his social good humor and manly candor. In one of his visits to Philadelphia, where his near relations resided, he was often at my father's, and one day, when dining with other gentlemen at our home, and my father and the others had retired to the parlor, my mother detained Major Franks to converse with him respecting Mrs. Arnold, whom she had recently heard very unjustly spoken of. He entered upon the subject with alacrity. Mamma said to him, 'Tell me, Major Franks, what is your opinion and belief concerning her knowledge of her husband's plans.' He quickly replied: 'Madam, she knew nothing of them,—nothing! She was ignorant of them as a babe.' His manner was solemn and earnest, and I began to think it might be proper for me to withdraw, but he said, 'Don't let Betsy go—I have nothing to say she may not hear.' Of course I gladly resumed my seat at table, and he went on:—'Madam, I am glad you have mentioned this subject. I have much to say. I am much distressed by it. Within a few days I have heard for the first time things said of her that are contrary to truth—false!—

utterly false! You know I was one of General Arnold's aids. He paid me the compliment to assign me the particular duty of protecting Mrs. Arnold—of attending to her safety, her general welfare and her health. I was, in the General's family, laughingly called '*the nurse!*' Her health was then delicate, and while Gen. Arnold was in command of West Point he frequently sent her to different, and sometimes distant parts of the country, on that side of the river. He always sent a guard with her, besides her female attendant, and gave me very particular charge over her welfare. He spoke of her suffering in the bustle of the camp and wished her to be relieved of it during the summer. I obeyed, nothing doubting, but considering him a pattern for a husband, although other and far different motives for sending her away on these excursions afterwards came to light. But, Madam, she knew nothing of his projects. In truth, she was subject to occasional paroxysms of physical indisposition, attended by nervous debility, during which she would give utterance to anything and everything on her mind. This was a fact well known amongst us of the General's family, so much so as to cause us to be scrupulous of what we told her, or said in her hearing. General Arnold was guarded and impenetrable to all around him, and I should believe her to have been ignorant of his plans even without my knowledge of this peculiar feature in her constitution; but *with it*, such a strong corroborative proof, I am most solemnly and firmly convinced that General Arnold never confided his detestable scheme to her. *He could not have ventured to do it.* He was, moreover, too well aware of her *warm patriotic feelings. You know*, Madam, *how completely she was American at that important period.* Madam, I can aver solemnly she was totally ignorant of his schemes.'"

II.

Proceedings | of a | General Court Martial | of the Line, | Held at Raritan, | in the State of | New-Jersey, | by Order of

His Excellency | George Washington, Esq. | General and Commander in Chief | of the Army of | The United States of America, | For the Trial of | Major General Arnold, | June 1, 1779. | *Major General Howe, President. | Published by Order of Congress. | Philadelphia: | Printed by Francis Bailey, in Market Street. | M.DCC.LXXX.*

This rare and valuable pamphlet (Congress ordered that but fifty copies be printed) is of much interest, as it bears directly upon the relations of General Arnold and his aid, Major David S. Franks, before the traitor's final flight in September, 1780.

Major General Arnold was tried on eight specific charges of misconduct while in command of Philadelphia. The second charge, *i. e.*, "In having shut up the shops and stores on his arrival in the city, so as even to prevent officers of the army from purchasing, while he privately made considerable purchases for his own benefit, as is alledged and believed," brought forth the following testimony (pp. 10–11).

"On the seventh day of May, A. D. 1779, before me, Plunket Fleeson, Esq., one of the justices, etc., for the city of Philadelphia, comes colonel John Fitzgerald, late aid de camp to his excellency general Washington, and being duly sworn according to law, deposeth and saith: That on the evening of the day on which the British forces left Philadelphia, he and major David S. Franks, aid de camp to major Arnold, went to the house of miss Brackenberry, and lodged there that night; and the next morning, major Franks having gone down stairs, the deponent going into the front room of the said house, to view colonel Jackson's regiment then marching into the city, saw lying in the window two open papers; that on casting his eyes on one of them, he was surprised it contained instructions to the said major Franks to purchase European and East Indian goods in the city of Philadelphia, to any amount, for the payment of which the writer would furnish major Franks with the money, and the same paper contained also a strict charge to

the said Franks not to make known to his most intimate acquaintance that the writer was concerned in the proposed purchase; that these instructions were not signed, but appeared to the deponent to be in the handwriting of major general Arnold, whether or not there was a date to it the deponent doth not recollect; that the other paper contained instructions signed by major general Arnold, directing major Franks to purchase for the said General Arnold some necessaries for the use of his table; that the deponent compared the writing of the two papers and verily believes that they were both written by major general Arnold's own hand; that soon afterward major Franks came into the room and took the papers away, as the deponent supposes. And further the deponent saith not. JOHN FITZGERALD."

Sworn before me the date aforesaid,
Plun. Fleeson.

After the testimony of Timothy Matlack, Esq., "the judge-advocate produced major Franks, aid-de-camp to major general Arnold, who was sworn. (December 24, pp. 11–12.)

"Q. On General Arnold's arrival in Philadelphia, do you know whether himself or any person on his account, made any considerable purchases of goods?

"A. I do not.

"Q. At or before general Arnold's arrival in Philadelphia did you receive orders from general Arnold to purchase goods, or do you know of general Arnold's having given orders to any other person to make purchases of goods?

"A. I did receive from general Arnold that paper which colonel Fitzgerald has mentioned in his deposition. There are circumstances leading to it which I must explain. I had, by being in the army, injured my private affairs very considerably, and meant to leave it, if a proper opportunity of entering into business should happen. I had several conversations on the subject with general Arnold, who promised me all the assistance in his power; he was to participate in

the profits of the business I was to enter into. At that time, previous to our going into Philadelphia, I had several particular conversations with him, and thought that the period in which I might leave the army with honor and enter into business. I received at that time, or about that time, I think several days before the enemy evacuated the city, the paper mentioned in colonel Fitzgerald's deposition that was not signed, as well as the other. Upon our coming into town we had a variety of military business to do. I did not purchase any goods, neither did I leave the army. The paper was entirely neglected, neither did I think anything concerning it until I heard of colonel Fitzgerald's deposition. General Arnold has told me since, which is since I came from Carolina some time in August last, on speaking about the paper, that the reason for his not supporting me in business was, supposing that I had left the army, it was incompatible with his excellency's instructions and the resolution of congress.

"Q. court. Did general Arnold ask you upon his coming into Philadelphia, or at any time after, why you had not executed the contents of the paper?

"A. He did not.

"Q. court. What day did you arrive in Philadelphia?

"A. The 18th day of June, in the evening, the day the enemy left Philadelphia.

"Q. court. Are you certain that the order for purchasing the goods was given to you several days before you went into Philadelphia?

"A. I cannot be particular as to the time; it might have been three, four, five or twenty days; but it was some time before.

"Q. Previous to the enemy evacuating the city of Phi ladelphia, did you understand from general Arnold that he was to have the command in the city, on the evacuation taking place?

"A. I did; but it was a short time before, I believe a day or two. The general, on his return from headquarters, men-

tioned it was hinted to him at general Washington's that he should, when the enemy evacuated Philadelphia, have the command, and desired me not to mention it.

"Q. Were the instructions to purchase goods given to you before the general mentioned this matter to you?

"A. I believe they were, though I am not certain.

"General Arnold's question. Were not my minute and invoice books always open to your inspection?

"A. They were.

"Q. By do. Had you any reason to suppose that any purchases were made directly or indirectly by my orders or on my account, previous to the opening of the stores?

"A. No.

"Q. By do. Did you not suppose my showing you the instructions from general Washington to me, previous to your going into the city, a sufficient countermand of the order I had given you to purchase goods?

"A. I did not form any supposition on the subject.

"Q. By do. For what purpose were you sent into the city before me?

"A. To procure quarters and to provide necessaries for the family."

The third charge was, "In imposing menial offices upon sons of freemen of this state, when called forth by the desire of congress to perform militia duty; and when remonstrated to hereupon, justifying himself in writing, upon the ground of having power so to do; for that, 'when a citizen assumed the character of a soldier, the former was intirely lost in the latter; and that it was the duty of the militia to obey *every* order of his aids (not a breach of the laws and constitution) as his (the general's) without judging of the propriety of them.'" Major Franks is directly responsible for this charge, for, as Timothy Matlack writes to General Arnold, "The militia serjeant who attended at your quarters on Sunday, complains that major Franks, one of your aids, had given

him orders to call his barber, which order was obeyed; that on the barber not appearing the order was repeated, and the serjeant, though hurt by the order itself and the manner of it, again obeyed; he also informs me that he has, this morning, made you acquainted with the complaint, and that you had been pleased to say that every order given by you or your aids is to be obeyed. This, I suppose, must intend every proper order . . . . (p. 12.)

Mr. Matlack writes on October 10, 1778, that "the calling of Major Franks' barber to dress his hair was the office of a menial servant, not the duty of a soldier; and I still think it an indignity to a free citizen to be ordered to go on such an errand," etc. General Arnold wrote (p. 14) in reply, defending Franks:

. . . . "'An improper order, as you conceive, given by Major Franks, my aid-de-camp, to the orderly serjeant, your son.' Without examining into the propriety or impropriety of the order, about which we may differ, I perfectly agree with you that the delivering of it in a haughty, imperious or insolent manner is blameable; and if the serjeant had so represented it to me at the time he would have had justice. The affair is now out of my hands and lies between the serjeant and the major. If the latter hath behaved amiss, it is his duty to make reparation. I trust I never shall countenance pride or insolence to inferiors in him or any other officer under my command. Let me add, that disputes as to the rights of citizens or soldiers, in conjunctures like the present, may be fatal to both.

I am, Sir,

Your most obedient, humble servant,

B. Arnold."

Philadelphia, October 12, 1779.

Timothy Matlack, Esq.

"After the reading of these letters, the judge advocate produced Mr. William Matlack, who, having affirmed, says,

"Q. Did you attend at general Arnold's quarters in Philadelphia as an orderly serjeant from the militia?

"A. I did.

"Q. Did you receive an order from major Franks, aid-de-camp to major general Arnold, while you attended in that station, to fetch a barber?

"A. I received my first order from a servant girl, who came and asked me if I was an orderly serjeant? I told her I was. She said major Franks' orders were that I should fetch his barber; which order I obeyed, as supposing it to come from him. Soon after my return major Franks came to where I was stationed and asked me whether I had been for his barber. I told him I had, but he was not at home, and that I had left the orders that were necessary for his coming up as soon as he should come home. Major Franks then said, he did not believe he would come, and then went away. Some considerable time after, he came again and said he did believe he would come, and he believed I had better go again; to which I made no reply, but walking back in the entry, after a few minutes, I asked a Negro man if it was customary to give such orders to the orderly serjeants. He said it was. I then replied that major Franks ought to consider that the militia could not be expected to do such duty, or words to that purport. Major Franks then came out of a back room and said, serjeant, I thought I had ordered you to go for my barber. I told him I had received no such order. He then asked me why I did not go. I told him I waited his orders. He then told me to go, and I told him, with his orders I would go, and did go. Major Franks, on my return, asked me if I had been. I told him I had and left the same orders as before. In the morning I made a complaint to the general, nearly in them words, and he informed me it was customary for serjeants to do such duty, and gave me to understand, not in an abrupt manner, that if I did not like such duty I should not have come there. The general said, at the time,

that if major Franks had insulted me at the time he gave me the orders it was wrong and he did not approve of that.

"General Arnold's question. Q. Was any menial office imposed upon you, or upon any orderly serjeant, to your knowledge?

"A. I conceived the office that was imposed on me as menial; and the orderly serjeant who stood at the same time with me, belonging to the continental troops, complained of major Franks giving him a small bundle of paper in his hand, bidding him follow him, which he did, and upon his coming to a house a small distance off bid him give him the bundle of papers and return; which the man complained of to me, when he returned, as an insult."

With respect to the second charge against him (above), General Arnold produced Major Franks' and Major Clarkson's deposition, which was read, and is as follows:

"We do certify, that when the shops in this city were shut in June last, by order of major general Arnold, in consequence of a resolution of Congress of the 4th June, we do not know of general Arnold's making any purchases of goods of any kind, directly or indirectly, and we have every reason to believe that no such purchases were made either by general Arnold or his agents, except a few trifling articles to furnish his table and for his family's use, most of which were supplied by the quartermaster or commissary. General Arnold's invoices, minute and account books being always open to our inspection, confirms us in our belief as mentioned above.

M. Clarkson, Aid de Camp.
David S. Franks, Aid de Camp.

"On the third of March, 1779, personally appeared before me, the subscriber, one of the justices of the peace of the city and county of Philadelphia, M. Clarkson and David S. Franks, and being both duly sworn, do declare the above to be true, to the best of their knowledge.

Benjamin Paschall."

"Q. To major Franks. Were you present at justice Paschall's when major Clarkson made oath to the contents of the paper you have heard read?

"A. I was, and that is the paper which Major Clarkson signed, it having been written by him.

"Q. By general Arnold to major Franks. What do you know about the shutting up the shops and stores in Philadelphia?

"A. The day after I came into town, which was the day General Arnold came, general Joseph Reed, who is now president of the state of Pennsylvania, and myself met. He told me that they were selling goods in town, and advised me to send a crier round to prohibit the sale of goods. I at first agreed to it, but afterwards thought I was doing more than I had a right to. I met him again and told him that I would put it off until general Arnold came. When general Arnold came to town, general Reed came to his quarters, and upon consulting with him, wrote a proclamation, which I think was the same that was published, with some alterations.

"Q. court. Were the alterations made in it, material?

"A. I believe not.

"Q. Are you positive that general Reed drew up the proclamation?

"A. I saw general Reed at the table drawing it up; general Arnold and Mr. Boudinott were in the room at the time.

"Q. By general Arnold. Do you know of my having given licenses to purchase goods, though appplications were made by my intimate friends for them?

"A. I do not know of your intimate friends having asked for licenses to purchase goods, but I know that many applications were refused, and I know of no licenses being granted to any person to purchase goods.

"Q. By do. Do you know at what time the shops and stores were opened and everybody permitted to purchase?

"A. I do not know the particular time.

"Q. By do. Do you know whether general Arnold, or any person by his orders, directed any goods to be laid by for his use?

"A. No, except some trifling articles from the commissary and quartermaster.

"Q. By general Arnold. Do you know of any articles being laid by, except some trifling articles for my own use, the use of my family, for general Washington and for one or two other officers?

"A. No, except two pipes of wine, which were afterwards drank in the family.

"Q. By general Arnold. Do you know whether the two pipes of wine were purchased or laid by previous to the shops being opened?

"A. I don't recollect that they were purchased before the shops were opened.

"Q. court. Do you know whether any of the articles that were laid by, were taken from the shops previous to the legal opening of them?

"A. I do not.

"Q. By general Arnold. Were not all the articles of clothing of consequence that were supplied me, which are mentioned to have been for general Washington and several other officers, as well as myself, supplied by the clothier general or his agent?

"A. I believe they were.

"Q. By do. Do you know what time Congress arrived in Philadelphia?

"A. I do not. They were there the fourth of July.

"Q. By do. Were not the shops open at that time?

"A. They were.

"Q. By the court. Do you know whether general Arnold purchased any part of the Charming Nancy or her cargo?

"A. I do not know of my own knowledge, but I have heard general Arnold say he did, and I have also heard Mr. Seagrove say he did.

"Q. court. Was it previous or subsequent to general Arnold's granting the pass?

"A. It was subsequent.

"The court adjourned until to morrow eleven o'clock."

(December 30.) By General Arnold to Major Franks in respect to the first charge, *i. e.* "That while in the camp of general Washington at Valley Forge last spring he gave permission to a vessel belonging to persons then voluntarily residing in this city with the enemy, and of disaffected character, to come into a port of the united states, without the knowledge of the authority of the state, or of the commander-in-chief, though then present." (pp. 28–29.)

"Q. By ditto to major Franks. Do you know Mr. Seagrove's general political character?

"A. I knew nothing of his political general character of my own knowledge, previous to your giving the protection for the Charming Nancy, but I have understood that he was considered as a whig. Since that period I have been in actual service with him.

"Q. By do. Do you know the political general character of the persons who were owners of the Charming Nancy previous to my giving the protection for her?

"A. I never knew either mr. Shirtliff or mr. Constable before I went to Philadelphia, or saw them in my life before, that I remember. I knew mr. Shewell before the protection was granted, and always supposed him to be well affected to America. He was in one of the militia companies in Philadelphia some time before the enemy got possession of it.

"Q. court. Did he tell you his reasons for staying in Philadelphia?

"A. He did.

"Q. court. What were they?

"A. The impracticability of removing at the time, his wife having been brought to bed and dangerously ill. He told me frequently that his intentions were to remove out of town.

"Q. By general Arnold. Did captain Shewell inform you that he had taken the oath of allegiance to the state of Pennsylvania previous to my granting him the pass?

"A. I think he did, and said previous to the time directed by the state of Pennsylvania; and I understood from him that he had taken it out of town, and had a certificate of it.

"Q. By the court. Did he inform you at what place and before whom he took the oath of allegiance?

"A. He did not that I remember.

"Q. By general Arnold. Did you understand at the time captain Shewell applied to me for the protection, that he produced to me a certificate of his having taken the oath of allegiance to the state of Pennsylvania, agreeable to law?

"A. I don't know what passed at the time, but I understood from him at that time that he had a certificate of that nature.

"Q. court. Did you understand how long mr. Shewell had been out of Philadelphia before he obtained the protection from general Arnold?

"A. He was time enough out to take the oath of allegiance to the state of Pennsylvania, as I understood from him, which was ordered to be taken, I think, by the first of June. I know that Mr. Shewell gave his vote at an election in Philadelphia, which he would not have been permitted to give, had he not procured a certificate of his having taken the oath of allegiance by the first of June."

"With respect to the fifth charge ['the appropriating the wagons of this State, when called forth upon a special emergency last autumn, to the transportation of private property and that of persons who voluntarily remained with the enemy last winter, and were deemed disaffected to the interests and independence of America,'] major Franks, produced in behalf of the general, says, (pp. 28–29) That he went to colonel Mitchell's by desire of general Arnold, to know whether he could spare him some waggons to

transport some goods that were in danger of falling into the enemy's hands at Eggharbour. He was told, either by colonel Mitchell or his clerk, that waggons could not be spared at the time, but that soon it might happen, as they expected a number of waggons in town; he brought that answer to general Arnold, and some days after general Arnold told him to go to the quartermaster's to inquire, and see if possible the waggonmaster, who was to conduct a brigade of waggons for him, and to order them to go to Egg harbour or the forks, and there to take a captain Moore's directions respecting what he was to do. When he got to the office he wrote a letter ordering the waggonmaster so to do, and signed it officially; after which the waggonmaster went.

"Q. by general Arnold. Were not frequent applications made for the waggons before I procured them?

"A. I went once myself, as I have said before, and I believe major Clarkson went once or twice, and I believe you went yourself. It appeared to me several applications had been made for them.

"Q. By do. Did you not view the request made for the waggons of a private nature, and not officially?

"A. I understood you were to pay for the wagons for the transportation of the goods, and that it was a matter of favor in colonel Mitchell to let you have them.

"Q. do. How happened it that you signed the order to Jeffe Jordan officially?

"A. I had no particular directions from you so to do; that from custom I always signed aid-de-camp at the end of my name; I myself might have probably thought at that time that it might have been the means of his executing the order with more alacrity, as dispatch was necessary.

"Q. By general Arnold. Do you know of my sending to colonel Mitchell for the account of the hire of the waggons, previous to any charge or publication made against me?

"A. I do; I went once or twice myself, and I believe you sent major Clarkson.

"Q. By do. When I went to camp in February, 1779, was not money left with major Clarkson for the purpose of paying for the waggons, and orders given to him accordingly?

"A. I think, before we set out to go to camp, the waggon-master brought an account against you for the hire of the waggons. You told the man to get it certified by colonel Mitchell, to come in the afternoon with the certificate and you would pay him. Whether he came in the afternoon or not I cannot say, but we set out for camp, and you informed me that you had left money with major Clarkson to discharge that account. Clarkson told you when you returned, that he had not paid the money, as the man had not called, or that he could not find him.

"Q. court. How long was the account presented for the hire of the waggons before you set out for camp?

"A. I believe two or three days.

"Q. By court. Was that the first time the account had been presented to general Arnold?

"A. I think it was, as there had been frequent applications made for the account and it could not be procured.

"Q. By ditto. Did you at any time, through the course of the transaction, understand that general Arnold officially employed these waggons?

"A. I understood that general Arnold was to pay for the waggons, that he got them as a favor, and that they were not to transport public stores, but private property for himself and friends, and that he did not order them officially.

"Q. By ditto. When you went to Colonel Mitchell for the waggons, did you inform him that they were wanted to transport private property?

"A. I did. I told him that the goods were in imminent danger, and told him that the loss of so many goods would be a loss to the continent, as we wanted goods."

Although not connected with the subject of this paper, another Jewish name occurs which may be of interest. In

Dr. Friedenwald's paper we read as follows: "A Miss Levy, who is granted a pass to go into New York, a proceeding which, because of its nonconformity with a previous resolution of Congress, causes Major Clarkson considerable trouble."* It is curious to note that this pass was the basis of one of the charges against General Arnold. We quote from the pamphlet (p. 50), General Arnold,

"As to the sixth charge, (p. 5) purporting that by my recommendatory letter to general Maxwell to grant a pass to miss Levy to go to New-York I had violated the resolve of congress and usurped the authority of the state of Pennsylvania. To attempt a serious refutation would be as ridiculous as the charge itself. Let the letter wrote on this occasion speak for itself. I kept no copy of it, but well remember the purport, which was nearly as follows:

"Sir,

The bearer, miss Levy, is a young woman of a good character, who has an aged parent that is blind, depending on her for support; she has money due to her from people in New-York, and wishes for a permission to go there for the purpose of collecting it, for the relief and support of her mother, who will be greatly distressed without it. I believe she will not make an ill use of a pass, if granted to her.

I am sir,

Your humble servant,

"General Maxwell. M. Clarkson."

"January 26.

"The court met agreeable to adjournment, and having considered the several charges exhibited against general Arnold, the evidence produced on the trial, and his defence, are of opinion, with respect to the first charge, that he gave permission for a vessel to leave a port in possession of the

**Pub. Am. Jewish Hist. Soc.* No. 1, "Jews in the Journal of the Continental Congress," p. 88, Journal of Congress, Feb. 2, 1779.

enemy, to enter into a port in the united states, which permission, circumstanced as he was, they are clearly of opinion he had no right to give, being a breach of article 5th, section 18th of the rules and articles of war. Respecting the second charge, that although it has been fully proved that the shops and stores were shut by general Arnold's orders on his arrival in Philadelphia, they are of opinion that he was justifiable in the order by the resolution of congress of the 5th June, 1778, and his excellency the commander in chief's instructions of the 18th of June, 1778: and with respect to the latter part of the same charge, the making considerable purchases while the shops and stores were shut, they are clearly of opinion that it is entirely unsupported, and they do fully acquit general Arnold of it. They do acquit general Arnold of the third charge, etc, ... The court, in consequence of their determinations respecting the first and last charges exhibited against major general Arnold, do sentence him to receive a reprimand from his excellency the commander in chief.

ROBERT HOWE,
Major General, President.

JOHN LAURANCE, *Judge Advocate.*

The court adjourned without day."

III.

Major David S. Franks served in the capacity of aid-de-camp and secretary to General Arnold from May, 1778, until the "perfidy and flight" of Arnold in 1780. Interesting particulars in reference to the treason of Arnold and the vindication of Franks may be found in "Jews in the Journal of the Continental Congress," by Dr. Herbert Friedenwald.* Although many writers have referred to the proceedings of the trial of Colonel Varick and Major Franks, they were not published until 1882, and they threw much additional

**Pub. Am. Jewish Hist. Soc.* No. 1, pp. 65–89.

light upon a subject that had been worn almost threadbare, correcting impressions created by Sparks, Sargent and others in the same field. The proceedings were published in the *Magazine of American History*, November, 1882 (Vol. VIII, pp. 717 to 733), with comment and notes, by Mr. H. P. Johnston. The article was entitled *Colonel Varick and Arnold's Treason.* We give extracts below only in so far as they relate to the conduct of Major David S. Franks, the proceedings of his trial being the most important document we have concerning that officer's checkered career.

"Although the arrest of Colonel Varick and Major Franks* was a mere formality, not to be followed by court martial, and no one acquainted with them suspected complicity on their part in Arnold's schemes, they were too jealous of their honor and reputation as faithful officers not to demand an investigation of their conduct while in Arnold's family. . . . On November 2, 1780, a court met at West Point, composed of Colonel Van Schaick, of New York, President, and Lieutenant-Colonels Colb of Massachusetts and Dearborn, of New Hampshire, Major Reid, of Hazen's regiment, and Captain Cox, of New Jersey, members. Necessarily the proceedings were of an *ex-parte* character, consisting of affidavits of prominent officers testifying their firm belief in the innocence and integrity of the two aids, and their own representations of their conduct and conversations at Arnold's headquarters. As they and their friends expected, the case was clear and conclusive in their favor. Colonel Meade, among others, declared that, sensible of their questionable position after Arnold's flight, both Varick and Franks willingly gave up the keys to their chests and effects. Colonel

*They were arrested October 2, 1780. "They being persons whom there is just reason to suspect are enemies of the American cause, and to hold an unlawful and dangerous correspondence and intercourse with the enemy in New York." David Franks, then a British agent, was included in the above warrant and was ordered to New York. (See *The Jews in Philadelphia Prior to* 1800, by Hyman Polock Rosenbach, Phila., 1883, p. 15.)

Harrison, Washington's secretary, also expressed the utmost confidence in them. . . ."

Deposition of General Knox, sworn to before General Greene.

"In justice to the said Colo. Varick, I think myself bound to say that on the Discovery of Arnold's Treachery, there was not a single circumstance to induce a suspicion that either he or Major David Franks was knowing or privy to the Perfidy or Flight of Arnold; That Colo. Varick and Major Franks gave ready and decided answers to such questions respecting Arnold, as were asked them and willingly produced all papers belonging to him that were in their possession or that they could find; a particular instance of which was exhibited by Colo. Varick two days after the first discovery: By a certain research in a trunk where Arnold's clothes were deposited, he found the Plans and Profiles of each work at West Point in a separate paper, which he instantly brought to His Excellency Gen'l Washington. It was until that time supposed that Arnold had carried off these Papers with him. . . .

H. Knox,
Brig. Gen'l Artillery."

"But the most interesting part of the proceedings were the 'interrogatories' and 'answers' which Varick and Franks put to and received from each other, and a few other officers who frequented the Robinson House, and which, besides containing information of value, reveal some lively scenes at Arnold's table. We give material portions of the record as we find it in Varick's own hand, preserving the original form of question and answer. The first point is in regard to Smith's* visits to headquarters, when Major Franks made the following replies to the colonel's interrogatories:

*Joshua Hett Smith. See the *Historical Magazine*, vol. X, July and November, 1866, by H. B. Dawson.

'*Question.*—Did I, or did I not inform you before, and how long before Arnold's desertion, that I had often conversed with him on the subject of his intimacy with Smith, and that I had begged him to discontinue it from a regard to his reputation in the State, and what were his replies as then recited by me to you?

'*Answer.*—You did inform me that you warned Arnold against associating with Smith as you mentioned, and that he assured you that he would not put it in Smith's power to hurt him or his Country.

'*Question.*—Did or did not Smith often come to Arnold's quarters, and whether before or after Mrs. Arnold arrived, and how long after? and did I not testify my hearty dislike to his visits, and on what account? and on all occasions when Smith's name was mentioned, freely and with apparent design, express my opinion of his moral and political character both before Arnold and Mrs. Arnold, and what was it?

'*Answer.*—He came to the house after Mrs. Arnold arrived, twice to my knowledge, and never before. The first time was the next day after I came from Philadelphia, when he stayed two nights, and the other when he dined with us on his way to Fishkill on the 23d September. You always expressed your dislike at his visits to our family, as you said you knew him to be a very great liar, and thought him an enemy to this country hid under the masque of friendship. You reprobated him, and often with apparent design declared freely your sentiments of him before Arnold.

'*Question.*—Did or did I not inform you, and at what time, that on the night of the 17th, when Joshua Smith and his wife had come to visit Mrs. Arnold, I had a warm political dispute with him, and that I had affronted him, and the reasons for my so doing?

'*Answer.*—On my return from Peekskill on the 18th, when I had accompanied Arnold to meet his Excellency on his way to Hartford, you told me you had affronted Jo. Smith the preceding night in a political conversation, for

his asserting that America might have made an honorable peace with Great Britain when the Commissioners came out in 1778, and the same day Mrs. Arnold told me of this dispute of the preceding evening, and added that Colo. Varick was in her opinion a very warm and staunch whig.'"

"More satisfactory, however, are the answers given by Varick on the same points when Franks examined him in his own behalf. Thus, by the major:

'*Question.*—What was my opinion of Joshua H. Smith's character and conduct, and of his visits at Arnold's Quarters? and did not any and what quarrel take place between you and me and Arnold and Smith? Pray inform the court of the whole.

'*Answer.*—When I first joined Arnold's family he received a letter of the 13th August from Smith which gave occasion to my speaking freely and unfavorably of Smith's moral and Political character. Arnold and yourself thought well of him as a man, but I soon prevailed on you to think him a Lyar and a Rascal; and you ever after spoke of him in a manner his real Character merited, and was always disgusted at his visits, the first of which took place I think on the 16th of September, the day after Mrs. Arnold's arrival.

'On the 23d of September he came to Arnold's Quarters and dined with us—my unfavorable opinion of his moral and political character, and his usual and unparalleled impertinence and forwardness, and General Arnold's Countenancing him (notwithstanding my advice and frequent solicitations to the Contrary) fixed a resolution in me to affront him before Arnold the first opportunity. A trifling one offered at Table. I embraced it with warmth; a very high dispute took place, in which you became a volunteer with me. Arnold opposed you and often addressed to you with warmth answers to my observations, and I reply'd to his answers, addressing myself to Smith. You as well as myself were cavalier with Smith till Mrs. Arnold (who also thought

ill of Smith) observing her Husband in a passion, beg'd us to drop the matter. I soon quitted the Table and went to my room which was then the office.

'After dinner, Smith went off and Arnold came into the office and took you to task in very illiberal Language for affronting Smith. He lashed me over your Back without addressing himself to me—he declared that *if he asked the Devil to dine with him, the Gentlemen of his Family should be civil to him.* You told him if Smith had not been at his Table you would have sent the Bottle at his head, and would thereafter treat him as a Rascal. I then found it necessary to do you as well as myself Justice, by taking the Blame of affronting Smith on myself. You thereupon declared to Arnold that you had of late observed that he viewed every part of your Conduct with an eye of Prejudice and beg'd him to discharge you from his Family. You went out of the room in a passion, and to New Burgh on Business from which you did not return till the 24th.

'The dispute between Arnold and myself continued very high. I cursed Smith as a —— Rascal, a scoundrel and a Spy, and said that my reason for affronting him was that I thought him so. I also told Arnold that my advice to him had proceeded from a Regard to his Reputation which he repeatedly and confidentially told me he wished to stand well in the State, and which I had very often told him would suffer by an improper intimacy with Smith. I further told him that Smith's Insolence to you and his ungentlemanlike conduct to Mrs. Arnold, in speaking impertinently to you before her in a Language she did not understand, justified your treating Smith as you did and worse, and also merited his resentment instead of Countenance. Arnold then told me that he was always willing to be advised by the Gentlemen of his Family, but by —— would not be dictated to by them; that he thought he possessed as much prudence as the Gentlemen of his Family. Some other words ensued till I had occasion to leave him to dispatch an Express, and when I returned he had left the office.

'In the evening I received a letter of the 19th from Lt. Colo. Benson, of Governor Clinton's Family, in answer to one of mine of the 24th August, enquiring of Smith's real Political Character and the truth of some information he had given Arnold and which I thought false. The answer contained an opinion of Smith's character by no means favorable to him. I showed it to Arnold and then told him I considered his past Conduct and Language to me as unwarrantable and I thought he did not place that Confidence in my repeated friendly assurance and advice which I had a right to expect and which was necessary to be put in a person acting in my capacity, and that I could not act longer with Propriety. He gave me assurances of his full confidence in me, of a conviction of the Rectitude of my conduct, of Smith's being a Rascal, and of error in treating me with such cavalier Language, and that he would never go to Smith's House again, or be seen with him but in company. All which I related to you the 24th on your return from New Burgh.'"

In the testimony of Colonel Lamb is mentioned a tilt between Arnold and Joshua Hett Smith and Colonel Varick. It waxed hot until "from some expression which Smith dropped Major Franks became a party in the dispute, which was growing very warm, when Mrs. Arnold (who had observed that Arnold was getting very angry) interposed and begged that the dispute might be dropped, as it gave her great pain."

Respecting Arnold's visits to Smith, on the other hand, which we know from other sources were not infrequent, Varick replied as follows when questioned by Franks:

'*Question.*—How often did Arnold go down the River in his Barge, whilst I was at Robinson's House? Did I ever attend him and what were our opinions and Conduct on his going down and remaining absent the night of the 21st of September?

'*Answer.*—He went down once on the 14th to meet Mrs. Arnold and returned on the 15th. After that he went down but once, *declaredly* to consult with Major Leavenworth about the disposition of Colo. Meig's Regiment which had been ordered up by Genl. Greene and about the disposition of which Arnold told me he had received no advice from His Excellency or Genl. Greene. You did not accompany him anywhere to my knowledge except on the 17th to Peekskill to meet His Excellency. I had said so much against Smith that I did not expect he would ever go to Lodge at his House again. But when I was informed by you or Mrs. Arnold, on the 21st, that he was not to return that evening, I suggested to you that I supposed he was gone to Smith's, and that I considered Arnold's treatment of me in keeping up his Connexion with Smith, in opposition to the warning I had given him, as very ungenteel and that I was resolved to quit his Family. We did thereupon concert the Plan of preventing their further Intimacy by alarming Mrs. Arnold's Fears and asking her Influence against it, as she entertained and had declared to him before me an unfavorable opinion of Smith, both as a *Gentleman, and as a Man of Sincerity;* which we did, and she informed me afterwards that Arnold had made her fair promises not to countenance Smith at all.

'You did at the same time inform me that you could not account for his connexions with Smith—that you knew him to be an avaricious man and suspected he meant to open Trade with some person in New York, under Sanction of his command, and by means of Flags and the unprincipaled Rascal Smith; that you were induced to suspect it from the Letter he wrote to Anderson in a Commercial stile as related to you by me. We thereupon pledged to each our word of Honor that if our suspicions should prove to be founded in fact we would instantly quit him.'"

"Again, in the matter of Arnold's private speculations, his small dealings with sutlers, which Hamilton mentions, and

his grasping ways, Varick and Franks have this to say, the latter replying to the former:

'*Question.*—Did or did not Arnold declare that he had 10,000 rations due him since 1775, 1776 and 1777, for which he could not get an adequate Compensation and that he would in future draw all his rations?

'*Answer.*—He did frequently and he would never leave his rations again in the hands of the Public.

'*Question.*—Did or did I not inform you on your arrival from Philadelphia with Mrs. Arnold, that Arnold had sent for a Capt. Robinson, a skipper, and asked him to sell some rum for him, and that I had prevented any intercourse between them by informing Arnold that Robinson was a Tory? And did I not also inform you that he had bargained with Capt. Bard for the sale of three barrels of Pork and that I had prevailed on him to lay aside his intentions by representing to him that he would incur disgrace if he did sell any provisions, especially when that article was in such serious demand at the Post?

'*Answer.*—You informed me that Mr. Robinson had been spoken to by Arnold, and that you had prevented his employing him to sell rum; but do not recollect mentioning anything of Mr. Bard or the Pork. You did tell me that you had prevailed on him to decline selling stores as you mention.'"

"The next set of interrogatories brings us to the last scene of all—the discovery, the flight, the anxiety of all concerned, and especially the bewilderment at the Robinson House. That day's experiences for themselves, as related by the two officers so painfully interested, certainly make up a fresh chapter in the history of Arnold's treason. We have here a story direct from eye-witnesses, not in any way changing the accepted accounts, but throwing some broad side-lights on the dark event. With Varick on the stand, Franks interrogates:

'*Question.*—What was Arnold's as well as my Conduct and Deportment on the Day of his Desertion, and had you the slightest reason to think I had been or was Party or Privy to any of his villainous practices and correspondence with the enemy, or to his flight? Pray relate the whole of our Conduct on that day to your knowledge.

'*Answer.*—I was sick and a greater part of the Time in my bed in the morning of his Flight. Before Breakfast he came into my room; soon after, I entered it and he asked me whether I had answered some Letters rec^{d} from Lt. Colo. Jameson and Major Tallmadge, and whether I had written to Gov^{r} Clinton inclosing copies of the letters that had passed between him and Colo. Beverly Robinson. I replied, 'No Sir, nor am I able to do it.' He took Tallmadge's Letter out of the office and said he would write to Tallmadge himself, and I never saw him after it but betook myself to my Bed. I think it was not an hour thereafter when you came to me and told me Arnold was gone to West Point, also a considerable time thereafter you came to the window of my room near my Bed and shoving it up hastily told me with a degree of apparent surprize that you believed Arnold was a villain or rascal, and added you had heard a report that one Anderson was taken as a spy on the lines and that a militia officer had brought a letter to Arnold and that he was enjoined secrecy by Arnold. I made some warm reply, bnt instantly reflecting that I was injuring a gentleman and Friend of high reputation in a tender point, I told you it was uncharitable and unwarrantable even to suppose it. You concurred in opinion with me and I lay down secure in the high idea I entertained of Arnold's integrity and Patriotism.

'Sometime in the course of the Day, I do not recollect when—think it was pretty soon after His Excellency arrived—Capt. Lt. Hubbell came into my room and in conversation told me he saw Arnold's Barge going down the River. But that circumstance made no impression on me.

Not long after you mentioned your suspicions to me Mrs. Arnold called for me, and when I waited on her I found from her Language and conduct that she was in great distress and had lost her Reason in some measure, complained to me that she was left without a friend. I attempted to sooth her by saying that she had many Friends, enumerating you and myself and that General Arnold would be there soon. On my mentioning his name she replied in great agony, *Oh no, no! he is gone, gone forever!*

'I soon left the room, found His Excellency had returned, and that Arnold had not been at West Point, and then recollecting your Declaration while I lay in bed, and his unaccountable and long absence, and Captain Hogland having come with dispatches to His Excellency, and avoiding answers to my enquiries with respect to Anderson's being taken, I mentioned to you that I was very apprehensive of his having destroyed himself or gone off. In *very few* minutes after we mentioned our fears to Eustis in *Confidence* lest we might be deceived. We were anxious to advise the Genl. of our suspicions but fearful of doing so in a direct manner, when Mrs. Arnold's request to see him to ask for relief soon furnished us with the opportunity, and I waited on His Excellency into her room accordingly. I soon after and just before dinner communicated my suspicions to Colo. Lamb in Confidence, and it was not until after Dinner that His Excellency communicated Arnold's Perfidy and Treachery to us.

'I never had any reason from any part of your Conduct before or that Day or since to suppose you were Party or Privy to any part of his Villainy or to his Flight. But your Language and Conduct on all occasions betrayed a very strong attachment to the Rights of our Country.'"

"Equally circumstantial was Franks' reply when questioned nearly to the same effect by Varick:

'*Answer.*—Arnold, I believe, did receive two letters by a

militia officer, tho' I did not see them. You did not I am sure—you were sick in your room. Arnold did not come into it nor did you see him after breakfast that day. His conduct was that soon after he received the letters above mentioned he went up Stairs to his Lady. In about two minutes His Excellency, General Washington's servant came to the door and informed me that His Excellency was nigh at hand. I went immediately up stairs and informed Arnold of it. He came down in great confusion, and ordering a horse to be saddled mounted him and told me to inform His Excellency that he was going to West Point and would return in about an hour. His Excellency came about half an hour after Arnold went off and after taking breakfast went to West Point. Soon after Mrs. Arnold's unhappy situation called us all to her assistance. Her alarms, together with Arnold's precipitate departure gave me much uneasiness. I hoped to see him return soon and you and myself were about to send for him. An hour and a half or thereabouts after he was gone a report was spread about our quarters of a spy of the name of John Anderson * being detected nigh our lines. On my hearing it I flew to you with indescribable agitation and told you I was sure Arnold was a Villian, but on further reflection and further Conversation we agreed that it was uncharitable, and that we were not warranted to think so, and that if any bad consequences were to ensue to Arnold from our suspicions, our characters would be ruined.

'Soon after His Excellency returned from West Point where he had been some considerable time, and during which Mrs. Arnold was in the most alarming distress of mind. You were frequently with her and informed me that she had complained that she had no friends, she was left alone, and on your telling her that she had many friends (here enumerating yourself, me, and General Arnold)—on your mentioning him she exclaimed in an agony of grief, *Oh no, he is gone, gone forever!* This at last confirmed your and my suspicions which were communicated to Dr. Eustice immediately.' "

* Major John André.

"And, finally, Surgeon Eustis corroborates both when examined by Varick:

'*Question.*—What hour of the day on the 25th September last did Major Franks and I communicate to you our suspicions of Arnold's having joined the enemy, or destroyed himself? How long after he had left the house, and whether before or after His Excellency General Washington returned from West Point? and after what injunction on you?

'*Answer.*—I know not the hour; but soon after His Excellency returned from West Point. I came out of Mrs. Arnold's chamber with you and Major Franks. I asked you where Arnold was gone, and beg'd you, for God's sake, to send for him, or the woman would die. You took me into my chamber and both Major Franks and yourself (after enjoining on me the most sacred secrecy) informed me of your suspicions that Arnold had gone to the enemy. On my asking if you had told it to General Washington, I think you told me it was a bare suspicion, and that you were afraid to lisp it to any creature living, lest proving untrue it should ruin your reputations forever. You afterwards informed me that your suspicions were confirmed by Mrs. Arnold saying in her delirium that he (meaning her husband) was *gone forever.*'

"That the two aids were not only relieved from all suspicion of complicity in the treason, but honorably commended by the court for their conspicuous fidelity, as was the case, would be readily inferred; but for most readers who have familiarized themselves with the subject, much of the interest in the extracts quoted doubtless lies in their bearing upon the *accomplices* in the conspiracy. . . .

"The proceedings of the court of enquiry touch upon another point of interest, which may be briefly noticed, namely, the long, secret correspondence between Arnold and André, carried on over the signatures of "Gustavus" and "John Anderson." Their letters are stated to have been numerous and significant, but only two are known to have

been preserved; at least no more have been published. The extent of the correspondence while Arnold was at West Point is doubtless indicated in his private memorandum book which Varick discovered among his effects, and from which it appears that he wrote to André on June 7th, July 13th and 17th, in August once without date, and again on the 30th, and on September 3d. We also know he wrote again on September 15th, forwarding a duplicate of it on the 18th, which was probably the last he sent. Both Varick and Franks had heard of this correspondence. Speaking of Arnold's letters, the former, in reply to one of Franks' questions, says: 'I never knew of his writing but that of the 3rd September, which he informed me he had written to a friend of his in New York, under fictitious characters, and sent by a Mrs. Mary McCarthy of Quebec, who had Gov. Clinton's pass and a Flag from Arnold to go down the River to New York. I never saw the letter, nor did I know the fictitious characters until Arnold rec^{d} Anderson's letter of the 7th Sep^{r} to Col. Sheldon in consequence of Arnold's of the 3d Sep^{r}. You was absent at the time and knew nothing of it until the morning after your return from Philadelphia, when I communicated the correspondence to you. You thereupon told me you thought you remembered his corresponding to and receiving intelligence from a Person of that name. I then thought the correspondence was proper, in discharge of his duty and Commendable if he could procure intelligence in that way. I never was solicitous to know the real character or names of his Emissaries further that he chose to communicate them to me, and I thought it none of my business and improper to be known to any person. I do not recollect your seeing the Letters on the subject of that correspondence which passed between Arnold and Col. Sheldon and Major Tallmadge, but all the public papers were open to your perusal, except one of the 6th Sep^{r} sent to Arnold by his Excellency which, as it was delivered to me confidentially, I did not think myself at Liberty to shew you.' Franks

says: 'I told you that I thought Arnold had corresponded with Anderson or some such name before from Philadelphia and had got intelligence of consequence from him.'"

"NOTE.—The original papers upon which this article is founded are in the possession of the Mercantile Library, New York City."

IV.

The following is a list of books, pamphlets and documents that relate to the career of Major David S. Franks, while aid-de-camp to General Arnold:

ANDRÉ, MAJOR JOHN. Proceedings | of a | Board | of | General Officers, | Held by Order of | His Excellency Gen. Washington, | Commander in Chief of the Army of the United States | of America | respecting | Major John André, | Adjutant General of the British Army. | September 29, 1780. | Philadelphia: | Printed by Francis Bailey, in Market-Street. | M.DCC.LXXX.

ANDRÉ, MAJOR JOHN. Minutes of a Court of Inquiry upon the Case of. Albany, Munsell, 1865, p. 19.

ARNOLD, GENERAL BENEDICT. Proceedings | of a | General Court Martial | of, etc.

ARNOLD, MAJOR GENERAL. The Proceedings of a General Court Martial for the Trial of, with an Introduction and Notes. New York. Privately printed, 1865.

NOTE.—For those that are not so fortunate as to procure the pamphlet mentioned in Part II, this volume contains an excellent reprint, as well as a short biography of David Solebury Franks, pp. 158-159.

ARNOLD, ISAAC N. The Life of Benedict Arnold, his Patriotism and his Treason. Chicago, 1880. Pp. 300, 316, 318–19.

[BALCH, THOMAS.] Letters and Papers relating chiefly to the Provincial History of Pennsylvania, with some Notices of the Writers. Philadelphia. Privately printed, 1885, pp. 59, 60 and 61 of *Genealogical Notices.*

Boudinot, J. J. The Life of Elias Boudinot, LL. D., edited by. Boston, 1896. Vol. I, p. 202.

Deane, Silas. Collections of the New-York Historical Society for the Year 1889. Publication Fund Series. The Deane Papers, Vol. IV, p. 530.

Note.—"I had no right to expect Franks to be either my friend or enemy. Of himself, he is too volatile and trifling to be either to any one for anytime, meer wax, and never either too hot or too cold to receive the impression of the last application; and coming from Madrid, and commissioned by Carmichael, it was natural that he should bring his image and superscription with him. I am, however, sorry that he left Paris so soon, or rather, that he had not the means for staying and giving way to his natural disposition for a few weeks, as he would have made a good addition to the American adventurers already exhibited on the stage," etc.

Friedenwald, Dr. Herbert. The Jews in the Journal of the Continental Congress. *Publications American Jewish Historical Society*, No. 1, pp. 78, 79, 80.

The Gentleman's Magazine, 1780. Supplement, p. 613.

Heath, Major-General. Memoirs of. Written by himself. Published according to Act of Congress, Boston, 1798, p. 255.

Jastrow, Prof. Morris. Notes on the Jews of Philadelphia from published annals. *Publications American Jewish Historical Society*, No. 1, p. 58.

Kohler, Max J. Incidents illustrative of American Jewish patriotism. *Publications American Jewish Historical Society*, No. 4, p. 84.

The Magazine of American History, vol. VIII, pp. 717 to 733.

[Marbois, Compte Barbé de]. Complot d'Arnold et de Sir Henry Clinton contre Les États-Unis d'Amerique et contre Le General Washington, September 1780. Paris, Didot, 1816. p. 135.

Morais, Henry Samuel. The Jews of Philadelphia, etc. Philadelphia, 1894, pp. 454–5.

Pennsylvania Archives. First series, vol. VIII, pp. 589, 590.

Pennsylvania Colonial Records, vol. XII, pp. 141, 199, 296, 495–6.

The Pennsylvania Gazette. September, 1780.

Rosenbach, Hyman Polock. The Jews in Philadelphia prior to 1800. Philadelphia, 1883. p. 15.

Rush, Richard. Washington in Domestic Life. Philadelphia, 1857.

Note.—This contains Washington's description of Arnold's treason, referring briefly to his aid-de-camp.

Smith, Horace W. Andreana, edited by. Philadelphia, 1865. p. 20.

Smith, Joshua Hett. An Authentic Narrative of the Causes which led to the Death of Major André, etc. London, 1808. p. 184.

Sparks, Jared. The Life and Treason of Benedict Arnold. New York, 1872, p. 250.

Thacher, James, M. D., Military Journal during the American Revolutionary War. Boston, 1823, p. 576.

Washington, George. The Writings of, ed. by Jared Sparks. Boston, 1855. Vol. VII, pp. 217, 220, 267, 533.

Washington, George. Archives of the Department of State. Letters to. Vol. XXIV, p. 257, vol. XLI, p. 145.

Winsor, Justin. Narrative and Critical History of America, edited by. Boston, 1884–8. Vol. VI, p. 459–60, foot-notes.

NOTES ON THE FIRST SETTLEMENT OF JEWS IN PENNSYLVANIA, 1655–1703.

By Abraham S. Wolf Rosenbach, *Philadelphia.*

On the 4th of September, 1655, Petrus Stuyvesant conquered and gained possession of the Swedish colonies on the Delaware river. John Paul Jacquet was appointed Vice-Director or Commandant of the Delaware and served from 1655 to 1657. The history of his administration is rather fragmentary, but many facts can be gleaned that relate to Jewish traders in southeastern Pennsylvania. Before the regime of Stuyvesant and of the Dutch West India Company the Swedes lived peacefully along the Delaware, and, although many Biblical names are to be found in the early records of New Sweden, there is no documentary evidence to prove that they were Jews.*

We know that on the 15th of February, 1655, Jews received permission to reside in New Netherland,† and also that nine months after this date they petitioned the authorities to allow them to trade in the newly subjugated territory, New Sweden, or as they expressed it, to travel along the Delaware river. Their petition failed of its purpose, but they were

* See *History of New Sweden* by Israel Acrelius (*Memoirs Hist. Soc. of Penna.*), and Companius' *Short Description of New Sweden,* translated by Du Ponceau, Phila., 1834; also *Original Settlements on the Delaware* by Ferris, Wilmington, 1846.

† *The Settlement of the Jews in North America* by Daly, edited by Max J. Kohler. Articles by Mr. Kohler in the *Pub. Am. Jewish Hist. Soc.* give more fully the events of the first Jewish settlement in New York.

permitted to send two persons to the South River in order to terminate a trading expedition already entered upon.*

The South river was subsequently renamed (by Sir Robert Carr in 1664) the Delaware river, and the above-mentioned "persons" were the first Jews of whom we have any record that entered what is now Pennsylvania.†

In the *Annals of Pennsylvania*, by the late Samuel Hazard, the letter of the Directors of the Dutch West India Company, dated June, 1656 (cited in Daly, p. 12), is summarized in this manner: "On June 14th, 1656, Jews were prohibited from trading on the South River." This statement is manifestly wrong (an unusual thing in one of our most trustworthy historians), for it is the expressed wish of the Directors that the Jews be permitted to "carry on their business as beforesaid." In the *Duke of York's Laws of the Province of Pennsylvania*, John Blair Linn has allowed the same error to creep in, quoting Hazard and evidently not looking up the citation—*Albany Records*, vol. IV, p. 212.

We do not notice any reference to "people of the Jewish nation" until the following year, and it is presumed that they traded in the meantime along the Delaware river. Most of the Swedish trading-places, including Upland, were situated on the west bank of the South river in Pennsylvania, and it is probable that these hardy traders penetrated as far south as New Castle or, as it was then called, New Amstel in the State of Delaware.

On the 14th of February, 1657, "Isack Masa appears

* *Documents relative to the Colonial History of New York*, "*History of the Dutch and Swedish Settlements on the Delaware River*," trans. by B. Fernow, vol. XII, pp. 117, 118; quoted by Daly in *Jews in North America*, pp. 12 *et seq.*, 20 *et seq.* Hazard's *Annals of Pennsylvania*, pp. 204, 205, gives a different translation (Vanderkemp's), citing the *Albany Records*, vol. X, p. 178.

† *Documents relative to the Colonial History of New York*, vol. XIV, pp. 341 and 351. See Daly, p. 12, note by editor; Kohler, *Pub. Am. Jewish Hist. Soc.* No. 1, p. 47; also Hazard, p. 219, citing *Albany Records*, vol. IV, p. 212; *The Duke of York's Laws*, ed. John Blair Linn, Harrisburg, 1879.

against Jan Schaggen and demands leave to return a certain hogshead of tobacco, received from aforesaid Jan Schaggen, which according to the decision of the inspector, Willem Mouritsen, is not merchantable.

"Defendant answers that he has delivered the tobacco to plaintiff upon plaintiff's own inspection, saying that he did not need an inspector for it, that he knew himself competent enough thereto.

"Plaintiff says that defendant delivered to him the tobacco as being throughout like same lying on the top, that it is found not to be so, and that about 8 or 10 days after the receipt he informed the defendant in presence of Thomas Broen and Willem Mouritsen that he did not want the tobacco, as it was not worth anything.

"Plaintiff is ordered to bring proof that defendant delivered the tobacco upon his word as good."*

On the 7th of March, 1657, "Isacq Mara (or Masa) appears against Jan Schaggen and Moens Andries as 'disposant.' He requests, as before, leave to return the tobacco and that Moens Andries shall give evidence how the tobacco was received.

"Moens Andries declares, that Jan Schaggen had said, when he delivered the tobacco, that he packed the tobacco according to sample shown and that it was as good below as on top. Plaintiff is directed to produce affidavits of the inspectors how the tobacco was found to be, whether that below was as that above."†

On June 12th, 1657, "Isaiah Mesa, a Jew, remonstrates, that he found himself aggrieved by a sentence of the 14th of April last, pronounced by the vice-director on the South River, New Netherland, J. P. Jacquet and council, relative to a dispute between him and some of the Swedes, desires to appeal; granted, "provided he makes, as usual, a deposit of

**Genealogy of the Jacquett Family* by Edwin Jacquett Sellers, Phila., 1896. Administration of John Paul Jacquet, p. 72.

†*Ibid.*, p. 74.

12 guilders, which being performed, he is commanded, as the sheriff is on his departure, to deliver his conclusion within twenty-four hours, to enable us to give a decision."*

In "Jews in the American Plantations between 1600–1700," by Dr. Cyrus Adler,† there is a list of the inhabitants of Barbados. The name Isack Meza is among them. In the "Jews in Surinam," by Felsenthal and Gottheil,‡ Isaac Mera (*sic*) is one of the chief members of the congregation there. Perhaps one or the other of them is identical with the Isack Masa, Isacq Mara or Isaiah Mesa trading along the South river in Pennsylvania.

Several other names occur in the minutes of the administration of John Paul Jacquet and his Council, but they have not, as with the case of Isaiah Mesa, the appellation "Jew" written after them. A Mr. Isaacks, as well as a Richard Levey, are mentioned in Fernow's "Dutch and Swedish Settlements on the Delaware River," but it is not likely that they were Jews.§

In 1656 Isaac Israel brings suit against one Hamman, embodied in a long petition.‖ On December 28, 1655, a treaty was made between the Indians and the community at Fort Casimir, and all agreed to the subsidy, etc., "with the exception of Isaac Israel and Isaac Cardoso, who refused to give their consent, and prepared to leave the river and give up their trade, than to assist with the other good inhabitants in maintaining the peace of this highway."¶ Of Isaac Cardoso I am uncertain, but Isaac Israel was not a Jew, but

* Hazard's *Annals*, p. 237; *Albany Records*, vol. XV, p. 202.

† *Pub. Am. Jewish Hist. Soc.* No. 1, p. 106.

‡ *Ibid.*, No. 4, pp. 2, 3.

§ Quoted by Kohler in Daly's work—in the Appendix, pp. 151 *et seq.*

‖ *Documents relative to the Colonial History of New York*, vol. XII, p. 136; *Genealogy of the Jacquett Family*, by Sellers. See the Appendix to Daly, ed. Kohler, wherein the petition is printed in full. Mr. Kohler occasionally cites the names of persons without giving definite proof of their Jewish origin.

¶ *Ibid.*, pp. 147, 148.

a Christian, in 1663 a member of the High Council of the Incorporated Dutch West India Company's settlements on the South river, Chancellor (Jews were not allowed to hold office in New Netherlands, by letter from the Directors, June 14, 1656), and prominent in other ways. Hendrik Jacobs and Ephraim Herman are included in a list of "Tydable Persons" at Upland in Pennsylvania.* Israel Jacobs was a member of the General Assembly of the Province of Pennsylvania, but his brother John died at the age of 85 on February 1, 1773, and was buried in the Friends burying ground.† Jacob Isaacs (also an Isaac Jacobs) is frequently mentioned in deeds transferring real estate, but was probably a Mennonite.‡ The names of several others might be given, but it is impossible to accurately ascertain their religion.

In 1662 a community of Mennonists or Anabaptists proposed to settle at Horekill, and drew up articles of association. The object of the association "being to establish a harmonious society of persons of different religious sentiments, it was determined to exclude from it 'all intractible people—such as those in communion with the Roman See; Usurious Jews; English stiffnecked Quakers; Puritans; foolhardy believers in the Millenium; and obstinate modern pretenders to revelation.'"§

In 1664 Sir Robert Carr assumed command of affairs on the South river, which he re-named the Delaware. In accord-

*Record of the Court at Upland in Pennsylvania, 1676–1681, in *Memoirs Historical Soc. of Pennsylvania.*

†*Pennsylvania Gazette* for February 3, 1773. *Pennsylvania Archives*, vol. IX, pp. 694, 695.

‡*Pennsylvania Archives*, vol. XIX, pp. 249, 340, 341. See also *To the Representatives of the Free-men Province of Pennsilvania and Counties Annexed, In Assembly conven'd at Philadelphia the 10th of the 3d Moneth*, 1692, in the possession of the Historical Society of Pennsylvania.

§*History of Delaware County, Pennsylvania*, by George Smith, Phila., 1862, p. 82. See also *History of the State of New York* by Brodhead, vol. I, p. 698.

ance with instructions received from the English Government, he declared that "all people shall enjoy the liberty of their conscience in Church discipline as formerly."

From the above evidence there can no longer be any doubt that there were Jews in the Pennsylvania country at least twenty-five years before the landing of William Penn.*

The following letter is of curious interest on account of the early prevalence of "fashionable converts" in Philadelphia.

"Letter from Secretary Logan to Henry Goldney.

Philad[a] 7–3–1723.

. . . . In some of my letters to Captain Annis I took notice that Isaac Miranda, an apostate Jew or fashionable Christian Proselyte, was gone over to transact some affairs in which our Gov[er] is concerned, and particularly in relation to ye mine beyond Susquehanna. I have since rec'd a very pressing application from some inhabitants of the Lands on this side of the River over against that mine, who have not yet obtained Titles to their settlements, are apprehensive that he has some design or Instruction to procure a right and turn them out of their possessions & Improvem[ts], which would be very unjust. I can only say at present, that the man ought in general to be guarded against, for all his motions in relation to you, if I mistake not, will be found Insidious. . . . J. L." [James Logan]†

*Another reference can be found in *An Historical and Geographical Account of the Province of Pensilvania and of West-New-Jersey in America etc. By Gabriel Thomas, who resided there about Fifteen years. London, Printed for and Sold by A. Baldwin, at the Oxon Arms in Warwick Lane,* 1698. p. 53.

†*Pennsylvania Archives*, Second Series, vol. VII, p. 77.

The following anonymous communication seems to confirm the apprehensions of Logan:

"Indian Complaint ag't J. Miranda 1730.

To the Justices of the County of Lancaster.

Gentlemen:

I have received a Petition of Cachuscunt & Memocollen two Indians setting forth a great abuse and Imposition, they have suffered from Isaac Miranda, which being committed within your Jurisdiction properly comes under your Cognizance & therefore I have herewith transmitted to you the Said Petition, that you may make a full and particular Enquiry into the Truth of the facts sett forth thereof, And if you find the allegations therein contained to be true, I desire you will order Mr. Miranda to make Restitution of the Goods which he has taken away & likewise to enter into Recognizance for his good Behaviour and Appearance at your ensuing Court. I am,

_____ *"

Aug. 21, 1720 (?)

Isaac Miranda was an "Agent to Receive and Collect the Perquisites and Rights of Admiralty" in 1727, Philadelphia County,† and on July 19, 1727,‡ was appointed deputy judge of the Court of Vice-Admiralty of the Province of Pennsylvania. His name is frequently mentioned in the early annals of Philadelphia.

In the *American Historical Register* for April, 1895, there is an article by Mr. Charles H. Browning, entitled

* *Pennsylvania Archives*, First Series, vol. I, pp. 266–7.

† *Ibid.*, Second Series, vol. IX, p. 738.

‡ *Ibid.*, p. 632. For further references to Miranda see *Documents relative to the Colonial History of New York*, vol. V, pp. 517, 750, and also the will of Isaac Miranda, signed June 30, 1732, recorded in Book E, p. 320, Philadelphia Wills.

"A Philadelphia Business Directory of 1703." The directory is compiled from the books used in the business of Judge Trent, and in an account in his ledger will be found the name of Jonas Aaron. Across the river we find, a year previous to this date, "Benjamin Levy, a Jew here, 1702."* Arnold Bamberger was permitted to hold lands and to trade in January, 1726.† From the above it appears that Jonas Aaron was one of the earliest settlers in this city, if not the earliest, but it is the duty of the future annalist to find out who was the *first* Jew who took up his abode in Philadelphia.‡

* *New Jersey Archives*, vol. II, pp. 456, 460; see also vol. IV, pp. 344, 345.

† *The Jews in Philadelphia prior to* 1800, by Hyman Polock Rosenbach, Phila., 1883. See also "A List of the Inhabitants of Philadelphia, with the quantity of Land they respectively hold therein according to the uncertain returns of the Constable, Anno Dom. 1734," in the possession of the Historical Society of Pennsylvania; also the will of Arnold Bamberger, proved February 15, 1748, recorded Book I, p. 63.

‡ I wish to express my thanks to Dr. Morris Jastrow, Junior, for the assistance he so kindly gave me in the preparation of this paper.

NOTES.

Among the articles in the *Annual Report of the American Historical Association* for 1894 is a valuable contribution by Mr. Harold D. Hazeltine on "Appeals from colonial courts to the king in council," from which (pp. 343–345), as of special interest to the readers of these *Publications*, by reason of the persons involved, we extract the following paragraphs:

"While there is no particular importance attaching to the matters involved in Isaacs *v.* Merritt, this case will further illustrate the practice of appealing quite as well as any other. There is, nevertheless, some little interest in this appeal, for the reason that it is one of the few cases of which we find official record both in Rhode Island and in England. It is also the only one of such cases among the documents of which we find an appeal bond. The salient facts* in this case are here given.

"John Merritt of Providence brought action against Jacob Isaacs of Newport, in the superior court of common pleas for Providence County, at the December term, 1755, for large damages. At this trial Merritt complained that the defendant had broken his 'promise and assumption' made to the plaintiff. He alleged that on April 14, 1743, Abraham Isaacs, of New York, by his promissory note of that date, duly signed, became indebted to him in the sum of £285, lawful money of New York, together with the lawful interest thereon till the same should be paid. Being so indebted, Abraham Isaacs died intestate, and Hannah Isaacs, widow of the said Abraham, became the administratrix of the estate. Hannah Isaacs dying before she had fully administered the estate of her husband, the administration of the residue was lawfully granted to the defendant, Jacob Isaacs. But after

* MS. records of superior court; MS. privy council register.

the death of Abraham and during the life of Hannah, he (Merritt) at the October term of the supreme court of New York in 1744, recovered judgment on the same note against Hannah for the same, with damages and costs amounting in all to £338 11d., to be paid out of such goods and chattels as were possessed by the said Abraham during his lifetime, when the same should thereafter come to hand. After Hannah's death, Merritt was about to sue the new administrator, Jacob Isaacs, on the aforesaid judgment; but he (Merritt) agreed to forbear for a season the prosecution of the suit, Isaacs paying him £100, part of the sum for which judgment was given, and solemnly promising to pay the remainder of the said sum together with interest, in a short time. Merritt therefore suspended prosecution on the said judgment till October 1, 1754, when Isaacs had not yet paid the remainder of the said sum, though often requested to. For these reasons he asserted that Isaacs had broken his promise, and claimed as laid in the writ of September 18, 1755, damages therefor to the amount of £6000 current money of New England.

"Isaacs on the other hand alleged that he had never promised to pay the aforesaid judgments in the manner and form described by Merritt; that according to law such judgments were to be paid by administrators out of the goods, chattels, and credits of the intestate; that at the time of the purchase of the plaintiff's writ, or since, there had not come into his (Isaacs) hands any other assets of the said intestate's estate wherewith to satisfy the plaintiff's demands; and that this was the reason why the remaining part of the said judgments was still unpaid.

"After due trial of this case, the inferior court of common pleas decided that Merritt should recover from Isaacs £236 13s. 1d., current money of New York, with costs of suit, amounting to £74 6s., Rhode Island currency. Isaacs appealed to the superior court for Providence County, and at the March term, 1756, the decision of the inferior court

was affirmed, with costs. Isaacs then moved for an appeal to the king in council, which was granted. He complied with the law regulating appeals to England, and furnished bond in the sum of £100 sterling. Isaac Hart, of Newport, and John Cole, of Providence, were the appellant's bondsmen, and the document was signed, sealed and delivered to the court in the presence of Samuel Chase and Alexander Black.*

* "The bond is as follows:

Bond to appeal to King in Council.—Isaac Hart and John Cole to John Merritt, March term, 1756.

"Know all Men by these Presents that we Isaac Hart of Newport and John Cole of Providence in the Colony of Rhode Island Merchants are held and Bound to John Merritt of Providence aforesaid ment[d] in the Sum of one Hundred pounds Sterling Money of Great Britain to be paid to the said John Merritt or to his Executors Administrators or Assigns to the which payment well and truly to be made We bind ourselves our Heirs Executors Administrators and Assigns and last of Us by himself for the whole and in the whole and our and last of our Heirs Executors and Administrators firmly by these presents Sealed with our Seals Dated the Twenty Second day of March in the 29th Year of His Majesty's Reign A D 1756

"Whereas the above Mentioned John Merritt has now obtained a Judgment of our Superior Court of Judicature against Jacob Isaacs of Newport in the County of Newport & Colony aforesaid Merchant As by the Record of said Court appears and Jacob Isaac being agrieved therewith Appeals to His Majesty in Council in Great Britain from the Said Judgment of the aforesaid Court of Judicature now sitting in providence aforesaid.

"The Condition of the above written obligation is Such that if the above mentioned Jacob Isaacks Shall & do within Twelve Months and a Day from the date hereof well & truely prosecute his Said Appeal with effect or in Default thereof well and truely pay & Satisfy to the Said John Merritt His Heirs Executors Administrators & Assigns all such Costs and Damages as they or any of them Shall have & Sustain in Defending against the aforesaid Appeal then this present obligation to be void & of no Effect or Else to be and Remain in full force and virtue I. Hart [seal]
John Cole [seal]

Signed Sealed & Delivered in the presence of—
Sam Chace
Alex[r] Black"

"The case was finally brought before the king in council for adjudication. On February 17, 1758, or nearly two years after the granting of the appeal by the superior court, the privy council reversed the decision of that tribunal, and thus rendered a judgment in favor of the appellant."

Included among the presentments of the grand jury for the district of Charleston, South Carolina, brought in on October 15, 1776, are several that related to the Jews. The seventh and eighth read as follows: "We present and recommend, that Jews and others may be restrained from allowing their negroes to sell goods in shops, as such a practice may induce other negroes to steal and barter with them. . . . . We present the ill practice of Jews opening their shops and selling of goods on Sunday, to the profanation of the Lord's Day." (Niles, *Principles and Acts of the Revolution*, pp. 91–92.)

From the MS. Journal of the Continental Congress for the year 1779 we cull the following: On February 11, Aaron Lopez has a petition presented which is referred to the committee on appeals. On April 15 a petition of Major Solomon Bush is referred to the board of war. And on July 28 and August 27 the petitions of Isaac Moses and Eleazer Levy, respectively, are read.

HERBERT FRIEDENWALD.

The lately published Volume fourteen of the Maryland Archives, *Correspondence of Governor Horatio Sharpe, Vol. III*, 1761–1771, contains a number of interesting letters from the Rev. Bennet Allen, "the fighting, horse-racing parson who possessed the favor of Governor Sharpe and the Lord Proprietor." In a characteristic communication to Sharpe, dated "Frederick Town, June 6th, 1768," and describing Allen's forcible seizure of the parish church in

that town, to which he had been appointed, occurs the following passage (p. 502): "To alarm the Dutchmen they spread a Report that I should say I would level their Steeple with that of the Church. it drew a number of Dutchmen into the Mob which was headed by a Jew."

Dr. Bernard C. Steiner has kindly called my attention to several other references in the records of the Evangelical Reformed Church of England, which indicate the residence of Jews some years later:

"Apr. 9 1797 Mary Ann Barbara dau. David Levy died aged 0–10–27."

"Apr. 8 1798 Mary Margaret wife Jacob Levi died aged 24–3–0."

As I have elsewhere stated, it is likely that the Jewish settlements in Lancaster and Schaefersville contributed appreciably, although not largely, to the stream of German immigration which flowed steadily from southeastern Pennsylvania into Frederick County, Maryland. The Jewish element seems, however, to have been quickly absorbed, and at present its only trace is the survival of distinctively Jewish names in the vicinity.

J. H. Hollander.

Obituary Notices of Jews of Philadelphia and New York, 1728–1791.

From the files of the *Pennsylvania Gazette*.*

I.

December 27, 1753.

"On Friday last died of an apoplectick fit, Mr. Nathan Levy, an eminent citizen of this city. The fair character he maintained in all his transactions, the cheerful and

*I desire to express my indebtedness to Prof. Morris Jastrow, Jr., and Mr. Bunford Samuel, Librarian of the Ridgway Branch, Philadelphia Library, for kindly suggestions and assistance.

friendly disposition that constantly appeared in him, make his death much lamented, and the prudent and affectionate manner in which he conducted himself in his domestick capacity, renders the loss irreparable to his family."

Buried in Spruce-street burying-ground, December 23, 1753. The dissolution of partnership of the firm of Levy & (David ?) Franks, the business to be settled by the estate of Nathan Levy. The advertisements of Levy & Franks were quite frequently inserted in the *Gazette*, offering for sale medicines, European goods, etc., at their store on Second Street.

II.

January 26, 1769.

"New York, January 23.—Last Monday Morning died in an advanced age, Mr. Jacob Franks, for many Years an eminent Merchant of this city. A Gentleman of a most amiable character; in his Family, a tender and kind Master; as a Merchant, upright and punctual in all his Dealings; as a Citizen, humane and benevolent; a Friend to the Poor of all Denominations, affable and friendly in his behavior to all. He is now gone to receive from the Supreme God whom he adored, his Reward among the Faithful. The *Memorial of the Righteous is Blessed.* On Tuesday his remains were decently interred in the Jews Burying Place, attended by a great Number of his Friends."

III.

August 24, 1774.

"On Sunday evening last, after five days illness, died, in the prime of life, Miss Polly Franks, second daughter of David Franks Esq. of this city,—a young lady whose sweetness of temper, elegance of manners, cheerful conversation and unblemished virtue, endeared her to all her connections and especially to her now mournful parents, who found her in every part of life a shining example of filial duty and affection.—Her remains were interred on Monday after-

noon, in Christ-Church burying ground, amid the tears of her numerous acquaintances and relatives."

Born January 25, 1747–8.

IV.

October 24, 1781.

"On Friday the 19th. inst. between one and two in the morning, departed this life after a short but painful illness in his 55 year Mr. Samuel Judah, formerly an eminent merchant of New York, and has left an inconsolable widow with twelve helpless children to bewail the irreparable loss of a tender and affectionate husband and a most kind and indulgent parent. His integrity for many years in business and courtesy in society was so well known to a numerous acquaintance as to render a panegyric needless. Suffice it is to say he was universally esteemed and his unexpected exit is equally regretted."

ABRAHAM S. WOLF ROSENBACH.

NECROLOGY.

Lucien Moss, one of the original members of this Society, died of disease of the heart, at his residence, No. 1631 Chestnut St., Philadelphia, on Friday the nineteenth day of April, 1895.

Mr. Moss was the son, and eldest child, of Eleazar L. and Mary L. Moss, and the grandson of John Moss, a prominent citizen of Philadelphia in the early part of this century. He was born in Philadelphia on May 25, 1831. He received his education in schools in Philadelphia and New Haven, Conn. At a comparatively early age he became a machinist, in the firm of Morris and Taws, Kensington, Philadelphia. Their principal work at that time was the building of marine engines and sugar mills. After completing his work with

them, Mr. Moss took charge of the erection of sugar mills in the island of Porto Rico. There he remained several months. On his return to Philadelphia he became a member of the firm of Wiler and Moss, brass-workers, on 5th Street below Walnut, and remained a member of this firm until 1878, when, having acquired a competence, he retired from business. His life, after this, was occupied in the duties of the various organizations with which he became connected. He was secretary both of the Hebrew Benevolent Society and of the Hebrew Relief Society, before the organization of the United Hebrew Charities, of which he was one of the chief promoters and founders, and was a member of the first board for organizing charities in that body. He became a director in the Jewish Hospital Association of Philadelphia in January 1868, and served in that capacity until his death, with an interval of three years between 1877 and 1880. He was also an officer in the Jewish Foster Home and Orphan Asylum, the Hebrew Education Society, the Mount Sinai Cemetery Association, the Jewish Maternity Association. In societies outside of his own faith, he was a director in the Lying-in Hospital at 11th and Cherry Streets, Philadelphia, the Society for the Prevention of Cruelty to Animals of Philadelphia, and of the Society to protect children from cruelty. In all of these boards his industry and good judgment made him a valuable coadjutor. He was a Free Mason of Excelsior Lodge No. 216, and a member of the Veteran Corps, 1st Regiment, National Guards of Pennsylvania. In June, 1882, he was elected by the councils of Philadelphia a member of the Board of Guardians of the Poor, having charge of the almshouse and generally the poor of the city. The political features developed during the time of his office were distasteful to him and he resigned, much to the regret of the community, in April, 1883. This was the only public office he held.

Mr. Moss was twice married. His first wife was Sarah, daughter of Benjamin Nathan of New York. She died

without leaving issue. His second wife is Amanda, daughter of the late David C. Levy, formerly of Charleston, S. C., afterwards of Philadelphia. She survives him. He left no children by his second marriage.

Mr. Moss devised his entire estate, after the death of his wife without issue and the payment of a few legacies, among them $5000 to the Jewish Foster Home and Orphans' Asylum, and $5000 to the United Hebrew Charities, to the Jewish Hospital Association, for the founding and maintenance of "The Lucien Moss Home for Incurables of the Jewish Faith."

He was buried on Tuesday, April 23, 1895, in the Mount Sinai Cemetery, Philadelphia.

Hermann Bien was the fourth of ten children of Emanuel M. and Esther Bien. Born in 1831 at Naumburg, near Cassel in Kurhessen, he received his early education at the hands of his father, a teacher of high reputation. When of the proper age and sufficiently prepared he entered the Teacher's Seminary at Cassel, and after graduation filled several positions, one notably under the superintendence of Dr. Einhorn, who took a deep interest in him and remained his life-long friend.

In 1854 he came to this country, and not finding a position as teacher, tried to establish himself in business, but not meeting with success, went to San Francisco, Cal., where, with the aid of members of his family, he opened a school. It was patronized by the best Jewish families and was soon in a flourishing condition. An accident happening to one of his pupils during gymnastic exercises and resulting in his death, was followed by the immediate withdrawal of most of the children, and the school had to be closed for want of support.

For awhile he officiated as minister of the Temple Emanuel at San Francisco, until succeeded by Dr. Cahn, formerly of Albany, N. Y.

His next move was to Virginia City, Nevada, where he organized a school, and through his great popularity was elected a member of the Legislature, wherein he served a term with great credit.

In 1865 he published in New York a Jewish weekly journal, *The Progress,* which, however, was but short-lived. Through the inducement of a friend he once more turned to commercial pursuits and opened a store of general merchandise at Port Henry, N. Y., and fortune seemed to smile on him. He married the sister of his friend's wife, and apparently was settled for life, but it was not in his nature to be satisfied outside of his legitimate sphere of activity, and he was constantly looking for the opportunity of resuming his labors as an educator.

After several unsatisfactory experiments, an opening presented itself through a call as minister to the congregation at Dallas, Texas, where for a number of years he filled this position acceptably and did much for the building up of the congregation and in furtherance of Jewish interests. He left to accept a similar office in the congregation at Vicksburg, Miss., where he expected to find a wider field of usefulness. Here he spent the remaining years of his life, teaching, preaching, and by precept and example demonstrating what it is to be a good Jew. As a Christian friend said of him, "He fought for Israel on a high plane."

Ever studious, he acquired great knowledge in various directions. As a musician he was no mean performer on the violin and the piano. Early in life he manifested unmistakable poetical talent, which he cultivated with assiduity to the end of his days. Aside from many youthful minor productions, he wrote a drama, "Samson and Delilah," which during his residence at San Francisco was performed several times at its principal theatre with applause. A volume of poems from his pen contains many a gem, and his Purim and Chanucah plays were the delight of youthful performers and increased the interest in these festivals. His last and

most important work, "Ben Beor," contains in fantastical frame a vast amount of information, being in fact an epitome of the martyr history of the Jews through eighteen centuries, until the dark clouds of oppression and persecution are dispelled by the sun of liberty, "the declaration of independence of the United States."

A frequent contributor to the Jewish and secular press, he was a staunch defender of the rights of his co-religionists, and the honor of the Jewish name and his last notable contribution was a masterly exposition of the truth as regards the historical Jewish Sabbath against the untenable position taken by Mr. Gladstone.

He died April 22, 1895, respected and beloved by all who knew him and mourned by the people of all faiths, of the city wherein he had dwelt for years, a blessing to many.

GIFTS AND EXCHANGES.

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OSCAR S. STRAUS.— | דִּקְדּוּק לְשׁוֹן עִבְרִית | Dickdook Leshon Gnebreet. | A | Grammar | of the | Hebrew Tongue, | being | an Essay | to bring the Hebrew Grammar into English | to Facilitate the | Instruction | of all those who are desirous of acquiring a clear Idea of this | Primitive Tongue | by their own Studies; | In order to their more distinct Acquaintance with the Sacred Oracles of | the Old Testament, according to the Original. And | Published more especially for the Use of the Students of Harvard-College | at Cambridge, in New England. | נֶחְבַּר וְהוּגַּת בְּעִיוּן נִמְרָץ עַל יְדֵי | יְהוּדָה מוֹנִיש | Composed and accurately corrected, | by Judah Monis, M. A. | Boston, N. E. | Printed by Jonas Green, and are to be sold by the Author | at his House in Cambridge, MDCCXXXV. Quarto. 3 unnumbered pages (errata, dedication, and preface), pages 1–94, and Table of Contents, 2 unnumbered pages.

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INDEX.

Aaron, Jonas, 198.
Abendana, Jacob, 123.
Aboab, David, 125.
Aboab, Isaac, 125 ff.
  birthplace of, 125.
  comes to Brazil, 126.
  conduct of, during the war between Portugal and Holland, 128.
  death of, 129.
  poems of, 129 ff.
  returns to Amsterdam, 129.
Aboab, Isaac, 111, 119.
Aboab, Isaac de Matitia, 125.
Aboab, Joshua, 115.
Abolitionists mobbed, 150.
Abraham, Israel, referred to, 140.
Abrahams, Solomon, 114.
Abrathar, Joseph, 112.
Abuab. *See* Aboab, Isaac.
Académie Royale de Belgique, 209.
Acrelius, Israel, referred to, 191.
Act of Navigation of Charles II, 47, 49, 58.
Adams, John, 206 f.
Adler, Dr. Cyrus, 2, 141, 194.
Adler, Dr. Liebman, abolitionist, 152.
Aguilar, Moses Raphael de, 119.
Aguilar, Solomon, 114.
Alburquerques, Daniel, 115.
Alferino, Phineas, 116.
Alington, W., 86.
Allen, Rev. Bennet, 202 f.
Allgemeine Zeitung des Judenthums, referred to, 126, 151 f.
Almeyda, Isaac Campos, 113.
Almeyda, Rica Campos, 114.
Alvares, Moses, 113.
Alvaringa, Esther Da Costa, 113.
Alvaringa, Rachel, 113.
Alvariñga, Rachel Da Costa, 113.
American Academy of Political and Social Science, 209.
American Israelite, The, referred to, 150.
American Jewish Historical Society, future plans of, 2 f., 5.
  object of, 3.
  papers of, 1.
Anderson, John. *See* André.
André, Major John, 180, 182, 184, 185 ff., 189.
Andries, Moses, 193.
Annis, Captain, 196.
Anti-slavery movement, attitude of Jews to, 143 ff.
  statement of issues of, 138 f.
Araij, Solomon, 55, 88.
Arlington, Lord, 50, 71, 86 f., 93.
Arnold, General Benedict, 157 ff.
  trial of, 159 ff.
Arnold, Mrs. Benedict, 157 f., 176 f., 183 f.
Arnold, Isaac N., referred to, 187.
"Assistance," vessel, 84.
Atkins, Sir Jonathan, Governor of Barbadoes, 60, 83, 96.
Auerbach, Berthold, 152.
Austin, Jonathan L., 13.

Bailey, Francis, 159.
Balch, Thomas, referred to, 187.
Bamberger, Arnold, 198.

Barbadoes, acts concerning slavery in, 60, 97 f.
status of Jews in, 47 f., 57-61, 90-99.
when Jews settled in, 46, 48.
Bard, Captain, 181.
Bares, Solomon, 116.
Barota, Dr., 43.
Barrios, Daniel Lopes, 115.
Barrios, Miguel (Daniel Levi), 119.
Beeston, Wm., 77, 84.
Bene Israelite, 209.
Benjamin, Judah P., advocates slavery, 145.
Bennet, Henry, 70.
Benson, Lieut.-Col., 179.
Berliner, Dr. A., referred to, 122.
Bernard, Sir John, 108.
Biddle, Col. Clement, 14, 18, 21.
Bien, Emanuel M., 207.
Bien, Esther, 207.
Bien, Hermann, biographical sketch of, 205 ff.
Birney, 144.
Black, Alexander, 201.
Bolivar, Simon, descent of, 3.
Bonn, Solomon Heim, 117.
Boston Public Library, 209.
Bostwick, Col. Andrew, 20 f.
Boudinot, Elias, 166, 188.
Boudinot, J. J., referred to, 188.
Brackenberry, Miss, 159.
Brandon, Esther Pinto, 114.
Brandon, Jacob, 112.
Brandon, Jacob Pinto, 112.
Bravo, Benj., 111.
Brazil, struggle between Portugal and Holland for possession of, 126 ff.
Bread, Richard, 94.
Broen, Thomas, 193.
Brooks, John, 16, 27.
Brougham, 144.
Brouncker, H., 76.
Brown, J. H., referred to, 43.
Browning, Charles H., referred to, 197.
Buchanan, 145, 149.
Bueno, Ephraim, 129.
Burgeois, J. H., 42.
Burrel, Jonathan, 13, 22.
Burton, Edward, 94.
Bush, Maj. Solomon, 202.
Bush, Mathias, 117.

Cahn, Dr., 207.
Calendar of British State Papers, 50 f., 58 ff.
Campos, Abram De, 114.
Campos, Isaac Henriques, 112.
Campos, Judith Henriques, 115.
Cardosa, Rachaell, 112.
Cardoso, Isaac, 194.
Cardoso, Moses Jesurun, 55, 88.
Cardoza, Daniel, 113.
Cardoza, Leah, 113.
Cardoza, Sarah, 113.
Carille, Abraham, 115.
Carlisle, Earl of, 46, 51.
Carmichael, 188.
Carr, Sir Robert, 192, 195.
Carthy, Daniel, 21.
Caseres, Benjamin de, 47, 62.
Caseres, Henry de, 47, 62.
Castro, D. H. de, 127.
Castro, Henry, 39-43.
relation of, to Napoleon, 39.
Castro, Joaõ, of, 39.
Castro, Lorenzo, referred to, 43.
Castroville, town of, 41.
Charles II, Act of Navigation of, 47, 49, 58.
"Charming Nancy," ship, 107.
Chase, Samuel, 201.
Clarkson, 144, 165.
Clinton, Governor, 179, 182, 186.
Cluskey's *Political Text-Book*, referred to, 145.
Cohen, Abraham, 58, 70, 91.

Cohen, Abraham Myers, 116.
Cohen, Judith S., 209.
Cohen, Samuel, 126.
Cohen, Samuel Myers, 116.
Cohen, Dr. S. Solis, 209.
Colb, Lieut.-Col., 164.
Cole, John, 201.
Constable, 168.
Cooke, George, 106.
Corche, Elias Fernandes, 112.
Corche, Joseph Alvares, 113.
Corche, Moses Alvares, 112.
Cordoso, Jacob, 113.
Cordosa, Rachael, 113.
Cordova, Phineas de, 43.
Correa, Moses Alvares, 113.
Costa, Abraham Nunez Da, 113.
Costa, D^{el}. M^{z}. Da, 112.
Costa, Isaac Nunez Da, 112.
Costa, Jacob Nunez Da, 112.
Costa, Moses Nunez Da, 113.
Costa, Moses Per^{a} Da, 115.
Cotinho, Moses Henriques, 55.
Coutinho, Isaac, 55, 88.
Coutinho, Moses Mendes, 55.
Couty, Jacob, 54.
Couty, Rabba, 52 f., 61, 76 ff.
Cox, Captain, 174.
Coxe, referred to, 106.
Crasto, Jacob Lopez De, 112.
Cremieux, Adolph, 144.
Cuna, Isaac Henriques, 113.
Cunha, Isaac Mendes, 113.
Cunha, Rachel Henriques, 115.
Curiel, Solomon, 112.

Dall, General, 68.
Dallas, A. I., 17.
Daly, Judge Charles P., referred to, 104, 109, 191.
Dashwood, Sir James, 107.
Davidson, Sir William, 49, 58, 91.
Davidson, Mary, wife of Col. Isaac Franks, 10.
Deane, Silas, referred to, 188.
Dearborn, Lieut.-Col., 174.
Delarha, Moses Cohen, 112.
Delino, Juan, 141.
Depais, Rachael Lopez, 115.
Desler, David, 33.
Devalle, Isaac, 112.
Dittenhoefer, Judge, abolitionist, 153.
Dovalle, Daniel, 112.
Drew Theological Seminary, 210.
Ducke, Edmund, 77.
Dupplin, Lord, 106.
Dutch Guiana, colony of, when organized, 120.

"Ebro," vessel, 40.
Einhorn, Rev. Dr. David, 207.
leader in the anti-slavery movement, 147 ff.
Eisler, Dr., 155.
Enriques, Jacob Jeosua Bueno, 48, 67.
Enriques, Josef Bueno, 48, 68.
Enriques, Moise Bueno, 48, 68.
Espinosa, Abraham, 51, 71.
Essenes, first abolitionists, 144.
Eustis, Dr., 183 f.
Evelyn, Jo., 76, 86.

Farmer, 59.
Faro, Solomon Gabay, 49, 70.
Fayrecloth, Jo., 83.
Felsenthal, Rev. Dr. B., 104, 121 f., 124.
abolitionist, 152.
Fernandes, Aron Dias, 112.
Fernandes, Ben. Dias, 115.
Fernandes, Daniel Aloes, 112.
Fernandes, David, 113.
Fernandes, Ester Dias, 115.
Fernandes, Isaac, 112.
Fernandes, Moses Dias, 115.
Fernandez, Abigail, 114.
Fernow, B., 192.
Ferris, 191.
Ferro, Jacob, 116.

Fessenden, 145.
Finch, Jo., 76.
Findley, Dr. Sam., 28.
Fitzgerald, Col. John, 159 f.
Fleeson, Plunket, 159 f.
Fles, David Da Silva, 114.
Fonseca, Aboab de. *See* Aboab, Isaac, III.
Fonseca, Isabel da, 125.
Fonseca, J. Lopez da, 119.
Fonseca, Manuel de, 67.
Francisco, Domingo, 68.
Franco, Joseph, 123.
Frankel's *Monatsschrift*, referred to, 121.
Frankland, A. E., referred to, 143.
Franks, David, 204.
Franks, Major David S., 157 ff.
  literature relating to, 187–189.
Franks, H. B., 117.
Franks, Col. Isaac, 8 ff.
  military career of, 25–27.
  portrait of, 12.
  residence of, 33 f.
Franks, Jacob, 204.
Franks, Moses, 8.
Franks, Moses Benjamin, 117.
Franks, Miss Polly, 204.
Franks, Samuel D., 10.
Franks, Sarah, 8.
Franks, Sarah Eliza, 7, 11.
Fraso, Jacob, 62.
Friedenwald, Dr. Herbert, 172 f., 188, 210.
Frowde, Philip, 64.
Furtado, Ester Henriques, 115.
Furtado, Isaac, 57, 111.
Furtado, Isaac Henriques, 115.
Furtado, Judith Oroibo, 114.
Furtado, Rachel Oroibo, 113.

Gabbay, Samuel, 55, 88.
Gabriel, Benjamin Rodrigues, 112.
Garrison, William Lloyd, 144, 150, 153.
Geffrayes, Jo., 83.
Gentleman's Magazine, The, 188.
George II, Act of, concerning naturalization, 104 f.
Germantown, battle of, 33.
Gibson, Chief Justice, 36.
Gibson, Mrs., 157.
Gibson, Henry C., 12.
Gilbert, 83.
Gomez, Daniel, 116.
Gomez, David, 116.
Gomez, Mordecai, 116.
Gonsales, Isaac Nunes, 55, 88.
Gorges, Rich., 76.
Gottheil, Rev. Dr. G., abolitionist, 142, 152.
Gottheil, Prof. R., referred to, 124.
Granville, Sir Bevill, Governor of Barbadoes, 98.
Gratz, case of, 35 f.
Greenbaum, Michael, abolitionist, 154.
Greene, General, 175, 180.
Gross, Prof., referred to, 55, 57.
"Gustavus," 185.
Guteres, Jacob Fernandez, 55, 88.
Gutteres, Jacob, 57.
Gutteres, Jacob Mendes, 111.
Gutteres, Joseph, 57.
Gutteres, Moses, 57.

Hahn, Dr. A., referred to, 122.
Hamilton, 180.
Hamilton, General James, 40.
Hamman, 194.
Hancock, John, 10, 16.
Harley, referred to, 107.
Harrison, Col., 174 f.
Hart, Isaac, 201.
Hart, Solo^{n}, 116.
Hayes, Judah, 116.
Hays, Isaac, 117.

Hays, Col. John C., 41.
Hazard, Samuel, referred to, 192.
Hazeltine, Harold D., quoted, 54, 199.
Hebrew, instruction of, in Jamaica, 56.
Heilprin, Michael, 154.
Helper's *The Impending Crisis*, 153.
Henriques, Abraham Lopez, 112.
Henriques, Daniel Bueno, 57, 65.
Henriques, David Gomes, 49.
Henriques, Isaac Nunes, 117.
Henriques, Jacob, 55, 88.
Henriques, Jacob Lopes, 113.
Henriques, Jacob Nunes, 114.
Henriques, Moses Lopes, 112.
Henriques, Moses Nunes, 114.
Henriques, Rachael, 113.
Henriques, Rachael Lopes, 114.
Henriques, Rachel, 114.
Henriques, Sarah Lopes, 114.
Henriques, David Gomes, 70.
Herman, Ephraim, 195.
Herzog's *Real Encyclopaedie*, referred to, 140.
Heyman, Moses, 116.
Higinbothan, John, 96.
Hogland, Captain, 183.
Hoffmann, Dr. D., referred to, 122.
Hollander, Dr. J. H., referred to, 55.
"Holy Alliance, The," aim of, 4.
Houston, President, 39, 42.
Howard, Col. Geo. T., 41.
Howe, Maj. General Robert, 173.
Howe, Sir William, 33.
Hubbell, Capt.-Lieut., 182.
Huffnagle, George W., 7 f., 12, 33.
Huffnagle, Rev. John C., 7.
Hughes, Col. Hugh, 26 f.
Huy, David, 116.
Hyneman, 13.

Illinois Staatszeitung, referred to, 151 f.
Ingersoll, Charles Jared, 13, 21.
Inquisition, relation of, to Jewish History, 3.
Iowa State Historical Society, 210.
Irvin, Math., 17.
Isaac, Jacob, 117.
Isaacks, 194.
Isaacs, Abraham, 116, 199 f.
Isaacs, Hannah, 199 f.
Isaacs, Jacob, 195, 199 ff.
Israel, Henriq., 112.
Israel, Isaac, 194.
Israel, Midrach, 117.
Israells, Ansel, 116.

Jackson, Col., 159.
Jacob, Abraham, 46.
Jacobs, Hendrik, 195.
Jacobs, Isaac, 195.
Jacobs, Israel, 195.
Jacobs, John, 195.
Jacquet, John Paul, 191, 193 f.
Jamaica, status of Jews in, 48-57, 87-90.
  instruction of Hebrew in, 56.
  levies on Jews, 55 f., 87 f.
James I, Act of, concerning naturalization, 104.
James, John, 41.
Jameson, Lieut.-Col., 182.
Janvier, Thomas A., referred to, 141.
Jastrow, Prof. Morris, 188, 198, 203.
"Jeane Key," vessel, 40.
"Jeanette Marie," vessel, 40.
Jefferson, Thomas, answer of, to President Monroe, 4.
  sentiments of, on slavery, 142.
"Jew Bill," 49.
Jewish refugees in America, influence of, upon European politics, 3 f.

Joachimsen, Judge Philip J., abolitionist, 152.
Jöcher, M. C. G., referred to, 121.
Johnston, H. C., referred to, 174.
Jones, President, 42.
Jordan, Jeffe, 170.
Joseph, Tobias, 116.
Jost, Dr. I. M., referred to, 121.
Judah, Samuel, 205.

Kayserling, Dr. M., on the Inquisition, 3.
referred to, 5, 55, 119, 121 ff.
Knox, General H., 175.
Koenen, referred to, 120, 128.
Kohler, Rev. Dr. K., referred to, 151.
Kohler, Max J., referred to, 104, 188, 191, 211.
Kohut, G. A., referred to, 141.

Ladesma, Moses, 113.
Lafitte, 39.
Lagarto, Jacob, 119.
Laguna, Abraham, 112.
Laguna, Daniel Israel Lopez, 119.
Laguna, Jacob, 113.
Laguna, Rebecca, 114.
Lamar, President, 42.
Lamb, Col., 179, 183.
Lamera, Aaron, 112.
Lara, Jacob Nunez De, 115.
Las Casas, recommends negro slavery, 139 f.
Laurance, Judge John, 173.
Lazar, abolitionist, 143.
Lazares, Elias, 114.
Leas, Abraham De, 117.
Leavenworth, Major, 180.
Lecompte, Jean Baptiste, 42.
Leeward Islands, status of Jews in, 61, 100 f.
Leland Stanford Jr. University, 211.
Leon, Jacob de, 55, 88.
Leon, Jacob Rodrigues de, 55, 88.
Lesher, Col., 9 f., 25.
Levey, Richard, 194.
Levi, Jacob, 203.
Levi, Mary Margaret, 203.
Levy, Miss, 172.
Levy, Benjamin, 198.
Levy, David, 203.
Levy, David C., 209.
Levy, Eleazer, 202.
Levy, Henry, 114.
Levy, Isaac, 116.
Levy, Mary Ann Barbara, 203.
Levy, Moses, 113, 117.
Levy, Nathan, 203 f.
Levy & Franks, firm of, 204.
Lincoln, Abraham, 140 f., 153.
Lindo, E. H., referred to, 120.
Linn, John Blair, referred to, 192.
Loeb, Adolph, 154.
Logan, James, 196.
Long, Rob., 86.
Long Island, battle of, 9 f., 25.
Lopez, Aaron, 142, 202.
Lopez, Abigail, 115.
Lopez, Moses, 116.
"Louis Philippe," vessel, 40.
Lousanda, Emanuel Baruch, 57.
Lovelace, Governor Francis, 52 f., 62, 76 f.
Lundy, 150.
Lynch, Sir Thomas, Governor of Jamaica, 50 ff., 71 ff., 77.
Lyon, Jacob, 112.
"Lyons," vessel, 40.

Machorro, Eliahu, 119.
Madison, sentiments of, on slavery, 142.
Magazine of American History, 174, 188.
Maimonides' Code of Laws on slavery, 146.
Manasseh ben Israel, 126.

Marbois, Compte Barbé de, referred to, 188.
Marks, case of, 35.
Martin, 107, 110.
Martins, Leah, 113.
Martins, Moses, 111.
Masa, Isaac, 192 f.
"Mathew & Francis," vessel, 94.
Matlack, Timothy, 160, 162 f.
Mattathias, Isaac ben, 119.
Mattos, Phineas, 112.
Mayer, Leopold, 154.
Maxwell, General, 172.
McCarthy, Mrs. Mary, 186.
McClintock & Strong's *Encyclopedia*, referred to, 121.
McDougal, Maj.-General Alexander, 10, 26.
McKean, Jos. B., 14, 27 ff.
Meade, Col., 174.
Meig, Col., 180.
Mendes, Abigail, 113.
Mendes, Abraham de Soza, 50.
Mendes, Abraham of Benjamin Pereira, 115.
Mendes, Abraham Pereira, 115.
Mendes, Esther, 114 f.
Mendes, Esther Pereira, 113.
Mendes, Gabriel, 115.
Mendes, Jacob Pereira, 113.
Mendes, Judith, 115.
Mendes, Rachel, 115.
Mendes, Rap^{l}, 112.
Mendes, Sam^{ll} Pr^{a}, 115.
Mendes, Sime, 114.
Mendes, Solomon, 112.
Mendez, David, 113.
Menitrier, Abbé Leopold, 40, 42.
Mennonists, settlement of, 195.
Menorah Monthly, referred to, 124.
Mera, Isaac, 194.
Merret, Wm., 77, 83.
Merrit, John, 199 ff.
Mesa, Isaiah, 193.
Mesquita, Benjamin Bueno de, 48 f., 69 f.
Mesquita, Abraham Cohen de, 49.
Mesquitta, Jacob Fernandes, 112.
Mesquita, Moses, 115.
Mesquita, Ulloa Jacob de, 49.
Meza, Isaac, 194.
Michael, H. J., quoted, 122.
Mielziner, referred to, 146.
Mifflin, Governor Thomas, 8, 11, 17 f.
Mills, Captain, 26.
Miranda, Isaac, 196 f.
Miranda, Isaac Rodriques, 114.
Mitchell, Col., 169 f.
Modyford, Sir Thomas, Governor of Jamaica, 50, 70.
Moeda, Rodriques, 113.
Moncey, Marshal, 39.
Monroe doctrine, importance of for religious liberty, 4.
Montana Historical Society, 211.
Morais, Henry Samuel, referred to, 188.
Morais, Rev. Dr. Sabato, abolitionist, 151.
Mordecai, Gratz, 211.
Morris, Elliston Perot, 34.
Morris, Samuel B., 34.
Morteira, Saul Levi, 126.
Moses, Isaac, 202.
Moss, Amanda, 207.
Moss, Eleazar L., 205.
Moss, Lucien, biographical sketch of, 205 ff.
Moss, Mary L., 205.
Moss, Sarah, 206.
Mouritsen, Willem, 193.
Myers, Rev. E. M., referred to, 120.
Myers, Solomon, 116.

Napoleon, 39.
Nassy, David, 119.

Nassy, Isaac, 119.
Nathan, Benjamin, 206.
Nathane, Alexander, 115.
Nebraska University, 211.
Ner Ha Maarabi, 211.
Neto, Isaac, 123.
Netto, Rabbi David, 121, 123.
Netto, Isaac, 123,
Newdigate, Sir Roger, 107, 111.
New England Historic Genealogical Society, 211.
New Hampshire and religious liberty, 2.
New Hampshire State Library, 211.
New Sweden, 191.
New York, Status of Jews in, 53 f.
New York Democrat, 155.
New York Tribune, 154.
Nicholas, Edw., 63.
Nicolls, Matthias, 77.
Noah, Mordecai M., advocates slavery, 144.
Nugent, 107.
Nunes, Abraham, 55, 88.
Nunes, Isaac Rodriques, 116.
Nunez, Joshua, 113.
Nunez, Sarah, 113.

Oath of Allegiance, 49 f.
Occident, The, referred to, 119, 150.
Odin, Bishop John M., 41.

Palmer, G., 70.
Pardo, David, 119, 126.
Pardo, Rabbi David, date of death, 121 f.
Pardo, Josiahu, 119, 122 f.
Parker, Theodore, 153.
Paschall, Judge Benjamin, 165 f.
Pastrana, Duke de, 125.
Pelham, quoted, 105, 108.
Penha, Israel de la, 112.
Penha, Jacob de la, 112.
Penha, Jacob Gutteres, 112.
Penn, William, 196.
Pennea, Rebecca, 112.
Pennsylvania, intolerance of, 35-37.
status of Jews in, 191 ff.
Pennsylvania Archives, 188.
Pennsylvania Colonial Records, 189.
Pennsylvania Gazette, The, 189.
Pereira, Abraham, 129.
Pereira, Esther Lopes, 114.
Pereira, Rachel Fernandes, 115.
Pereyra, Moses, 58, 95.
Perot, Elliston, 33 f.
Perot, John, 33.
Philippson, Prof. Dr. M., referred to, 126, 152.
Phillips, Henry M., advocates slavery, 145.
Phillips, Jonas, 35.
Phillips, Levi, case of, 35 f.
Phillips, Wendell, 153.
Pick, Rev. Dr. B., referred to, 122.
Pinner, Moritz, abolitionist, 152 f.
Pino, Peter, 68.
Pinto, Joseph Jesurun, 119.
Pisa, Senr. Abram Israel de, 48, 69.
Piso, Aaron Israel de, 58.
Piso, Isaac Israel de, 57, 90 f.
Pitt, quoted, 108.
Ponceau, Du, 191.
Poulson's *Daily American Advertiser*, 15.
Prette, Isaac Lopes, 112.

Raco, Moses, 50.
Raines, C. W., *Bibliography of Texas*, 43.
Ramalho, Isaac, 112.
Ramalho, Leah, 113.

Raphall, Rev. Dr. Morris J., advocates slavery, 149, 154.
Reed, General Joseph, 166.
Reid, Major, 174.
Religion vs. law, 36 f.
Rhode Island Historical Society, 211.
Ribas, Monaste, 112.
Ribiero, Abraham, 112.
Rivera, Jacob R., 142.
Rivieres, Abr^{m}. Rodrigues de, 116.
Riz, Hannah Lopes, 113.
Robert, Lieut.-Col., 78 f.
Roberts, Jonathan, 12 ff., 21, 29 f.
Robinson, Captain, 181.
Robinson, Col. Beverly, connection of, with General B. Arnold, 175, 179, 181 f.
Rodrigues, Moses, 112.
Rodriques, Moses, 114.
Rosenbach, Hyman Polock, referred to, 174, 198, 211.
Rosendale, Hon. Simon W., referred to, 103.
Rosenthal, Julius, 154.
Rowan, J., 12, 21, 29 f.
Rush, Benjamin, 11, 25.
Rush, Richard, 13 f., 23.

Saldana, Abraham Dovall, 114.
Saldana, Solomon, 114.
Salom, David, 112.
Salom, Esther, 114.
Salzbach, Dr. A., referred to, 122.
Samuel, Bunford, 203.
Samuel, Levy, 116.
Sanches, Abraham, 114.
Sanches, Benjamin, 115.
Sanches, Sarah, 113.
"Sarah & Mary," ship, 94.
Sargent, 174.
Schaggen, Jan, 193.
Schneider, George, 154.
Schomburgk, Sir Robert H., quoted, 46, 59.
Seagrove, 167 f.
Sēchĕr Rāb, 120.
Segnitz, Dr. B., 148.
Seixas, Jacob Mendes, 116.
Sellers, Edwin Jacquet, referred to, 193.
Sequira, Abraham Henriques, 112.
Sequira, Isaac Henriques, 112.
Shaar Hashamayim, 128.
Shaftesbury, C., 86.
Sharpe, Governor, 202.
Sheldon, Col., 186.
Shewell, 168.
Shirtliff, 168.
Silva, Daniel Da, 113.
Silva, Isaac Gomes, 113.
Silva, Jacob Da, 112.
Silva, Joshua Gomez, 113.
Silva, Juchia Da, 114.
Silva, Rica Da, 115.
Simon, Jos., 117.
Simon, Michael, 42.
Simson, Joseph, 116.
Sinai, periodical, 148, 151.
Skutt, Tho., 75.
Slavery, Maimonides' Code of Laws on, 146.
relation of Jews to, 138, 140 ff.
relation of Quakers to, 140.
Slavery, in America, forced upon the Colonies, 140.
origin of, 139.
relation of Churches to, 134
Slingesby, 72, 76, 85.
Smith, Horace W., referred to, 189.
Smith, Joshua Hett, connection of with General B. Arnold, 175 ff.
Smollet's *History of England*, 109.
Soares, Joseph, 112.
Soares, Leah, 112.

Soeiro, Ephraim, 119.
Solis, Mrs. C., 210.
Solis, Jacob S., 210.
Solla, Samuel Mendes de, 119.
Solomon, Joseph, 117.
Sparks, Jared, referred to, 189.
Spurre, Geo., 83.
Standish, Henry, 75.
Stansberry, case of, 35.
Steiner, Dr. Bernard C., 203.
Steinschneider, referred to, 121.
Stern, Jacob, 116.
Straus, Hon. Oscar S., 7, 103, 212.
Stuart, Gilbert, 12.
Stuyvesant, Governor, 141, 191.
Suarez, Abraham, 49, 70.
Surinam, center of Jewish activity, 120.
  status of Jews in, 47 f.
Surzedas, Abraham, 115.
Surzedas, Rachael, 115.

Tallmadge, Major, 182, 186.
Temple, Sir W., 94.
Temime Derech, institution, 123.
Texas Almanac, 43.
Thatcher, M. D., referred to, 189.
Thomas, Lieut.-Col., 48, 69.
Thomas, Gabriel, referred to, 196.
Titus, Silius, 76.
Toiro, Moses, 55, 88.
Tones (Torres), Jacob de, 51.
Torres, David, 112.
Torres, Jacob Lopez, 51, 55, 88.
Torres, Rema, 114.
Touro, Judah, sentiments of, on slavery, 142.
Trelawney, Edward, Governor of Jamaica, 57, 210.
Trent, Judge, 198.
Trimble, James, 19.
Trois, David Nunes, 115.
Trois, Ester Nunes, 115.
"Tryall," vessel, 77 ff.

Unger, Christian Theophilus, 121.
Union of American Hebrew Congregations, 212.
Unitarians against slavery, 146.
University of Pennsylvania, 211.
University of Virginia, 213.
Uriel, Isaac, 126.

Valentia, Abigail, 114.
Valentia, David, 114.
Vanderventer, C., 17.
Van Schaik, Col., 174.
Varick, Col., connection of with General B. Arnold, 173 ff., 185.
Vega, Rice, 114.
Velosino, Jacob de Andrade, 119.
Vieira, Johann Ferdinand, leader of the rebellion in Brazil, 127.
Vinera, Dan[l] Rodrigues, 116.
Vizea, Rebecca Nunez, 115.
Vlhoa, Jacob, 70.

Walker, Edw., 95.
Waller, Ed., 76, 86.
Walpole, quoted, 106.
Warwick, Sir Philip, 65.
Washington, George, 8, 25, 33, 159, 167, 185, 189.
  sentiments of on slavery, 142.
  relations of to Col. Isaac Franks, 9, 11 f., 31 f.
Weber, Joseph, 42.
West Indies, laws of, 45.
  status of Jews in, 46.
Wheeler, Governor of Leeward Islands, 61.
William III, 45.
Willoughby, Governor of Barbadoes, 59, 90.
Wilson, Jon., 83.
Wilson, Reginald, 80.

Winsor, Justin, referred to, 189.
Wisconsin State Historical Society, 213.
Wise, Dr. Isaac M., 150.
Wolf, *Biblioth. Hebraea*, 124.
Wolf, J. C., quoted, 121.
Wolf, Lucien, 103, 110.
Wolf, Simon, referred to, 138, 154.
Wolff, Abraham, case of, 35.
Wynche, Hum., 86.

Yonkers Historical and Library Association, 213.

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